

1. Applicant's Name: [REDACTED]

a. **Application Date:** 26 July 2021

b. **Date Received:** 4 August 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 honorable. The applicant requests a change of the separation authority, separation code, and the narrative reason for separation.

(2) The applicant seeks relief contending in the interest of equity and justice, their military records should absolutely be corrected. They seek this request so they may continue to serve our country, if not in military service, then in the federal service. On 5 July 2012, they were charged with Driving Under the Influence (DUI) and this was their only criminal incident. They were placed into a 15-month Diversion Program, which they successfully completed and their charges were dismissed on 19 October 2013.

(3) They were issued a general officer memorandum of reprimand (GOMOR) on 19 July 2012 and on 22 July 2012 they deployed to Afghanistan, making it impossible to provide any written materials in response to the GOMOR. They were also given a referred Officer Evaluation Report (OER) based on the DUI incident and from receiving a GOMOR. A Board of Inquiry (BOI) convened on 29 October 2013 and recommended they be discharge with a general (under honorable conditions) character of service; however, the commanding general recommended to Human Resources Command (HRC) that their character of service be Honorable. Despite their Honorable character of service, the separation code and the narrative reason of "Unacceptable Conduct" contradicts the purpose of an honorable discharge.

(4) It was inequitable for the Army to deploy them after their DUI incident and then separate them from the Army upon their return from their deployment to Afghanistan. Their record of military service does not support the Board of Inquiry's recommendation and the subsequent actions by HRC as to their entries on their DD Form 214 (Certificate of Release or Discharge from Active Duty). The procedures for issuing the referred OER and GOMOR lacked significant elements of fairness. In light of their numerous deployments and the reported evaluation, their likely Post Traumatic Stress Disorder (PTSD) means that liberal consideration should apply to their application for relief. Their PTSD symptoms began after their service in the U.S. Navy and their participation in the Gulf War. Their alcohol use was how they managed their symptoms.

(5) Although they received an Honorable discharge, the separation code and the narrative reason for separation on their DD Form 214 used to separate them should be modified so as not to stigmatize them from future employment.

b. Board Type and Decision: In a records review conducted on 16 April 2025, and by a 5-0 vote, the Board determined a change to the applicant's narrative reason to Secretarial Authority with a corresponding SPD code of KFF was warranted. The Board voted not to change the applicant's characterization of service because it is an Honorable discharge. *Please see Section 9 of this document for more detail regarding the Board's decision.*

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Unacceptable Conduct / AR 600-8-24, Paragraph 4-2b / JNC / Honorable

b. Date of Discharge: 10 February 2014

c. Separation Facts:

(1) Date of Initiation of Elimination: 28 March 2013

(2) Basis for Separation: substantiated derogatory activity resulting in a GOMOR dated 17 July 2012 and a Referred OER for the period 16 February 2011 – 12 July 2012, which are filed in the applicant's Army Military Human Resource Record (AMHRR); and conduct unbecoming an officer as indicated by the GOMOR and Referred OER.

(3) Legal Consultation Date: NIF

(4) Board of Inquiry (BOI): 29 October 2013

(5) General Officer's Show Cause Authority (GOSCA) Recommendation Date / Characterization: 20 November 2013 / Honorable

(6) DA Board of Review for Eliminations: On 22 January 2014, the Army Board of Review for Eliminations considered the GOSCA's request to involuntarily separate the applicant for unacceptable conduct in accordance with AR 600-8-24, paragraph 4-2b.

(7) Separation Decision Date / Characterization: 24 January 2014 / Honorable

4. SERVICE DETAILS:

a. Date / Period of Appointment: 17 May 2007 / Indefinite

b. Age at Appointment / Education: 38 / Master's in Education

c. Highest Grade Achieved / MOS / Total Service: O-3 / 19A, Armor, General / 15 years, 6 days

d. Prior Service / Characterizations:

Active Duty U.S. Navy, 5 July 1989 – 15 April 1992 / Honorable

U.S. Navy Reserve, 5 years, 2 months, 19 days / NIF

Active Duty U.S. Army, 5 February 2007 – 15 April 2007 / Honorable

e. Overseas Service / Combat Service: Korea, SWA / Afghanistan (23 June 2012 – 23 July 2013)

f. Awards and Decorations: ACM-CS, BSM, AAM-3, Navy/Marine Combat Action Ribbon, USN Commendation, USN "E" Ribbon, NDSM-2, GWTSM, KDMS, ASR, OSR-2, USN Sea Service Deployment Ribbon, SWASM-3, NATOMDL, KLM-SA, KLM-KU

g. Performance Ratings:

1 February 2008 – 15 February 2011 / No Box Check
16 February 2011 – 12 July 2012 / Below Center of Mass - Retain
13 July 2012 – 15 July 2013 / Above Center of Mass
13 July 2013 – 1 February 2014 / Center of Mass

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 3975 (Military Police Report) dated 6 July 2012, reflects the applicant as the named subject with the Offense Description as "Driving Under The Influence of Alcohol or Drugs," on 5 July 2012. The Narrative reflects, the applicant was arrested by a Riley County Police Officer for driving under the influence. The applicant was transported to the Riley County Law Enforcement Center where they were advised of the Kansas implied consent law and submitted to an Intoxilyzer test with a result of 0.134-percent Blood Alcohol Content (BAC).

(2) A Fort Riley Operations Center Incident Report undated, reflects the applicant as the named subject and the type of incident, DUI. A Summary of Incident reflects, on or about 2000 hours, 5 July 2012, the applicant was pulled over by the Riley County Police Department for speeding and failure to stop at a stoplight. The applicant was asked by the Police if they had anything to drink, the applicant responded yes. The Police Officer then told them to call someone to pick them up. The applicant called their former noncommissioned officer in charge to pick them up. At this point the Police Officer left after giving the applicant a warning and the direction to wait for someone to pick them up. Instead of waiting for their ride, the applicant tried to drive home as they were near their house. At this point the applicant was pulled over again. They were given a sobriety test which they failed. The applicant was arrested and taken to Riley County Jail and their BAC was determined to be 0.13-percent. The applicant was transferred to the Fort Riley Military Police and had a court date of 10 July 2012 at the Manhattan Municipal Court.

(3) A memorandum, Headquarters, Fort Riley, subject: General Officer Memorandum of Reprimand (GOMOR), dated 17 July 2012, reflects the applicant was reprimanded in writing for driving under the influence of alcohol on 5 July 2012. The commanding general states, early that evening, a Riley County police officer stopped the applicant for speeding. The officer believed that with their delayed response they were under the influence of alcohol. A preliminary breath test resulted in a positive reading for the presence of alcohol. The office gave them the opportunity to call for a ride; they decided to drive away instead of waiting for their ride to arrive. Another police officer witnessed the applicant driving and notified the original officer who had stopped them. A Riley County police officer stopped them again. Standardized field sobriety tests showed multiple signs of impairment. The applicant was transported to the Riley County Detention Center where they submitted to a breath test that resulted in a blood alcohol content of 0.134-percent.

(4) On 19 July 2012 the applicant acknowledge they had an opportunity to respond by submitting matters in extenuation, mitigation, or rebuttal. They elected to submit written matters within seven calendar days. In the applicant's response to the GOMOR they respectfully requested the GOMOR to be filed in their local Military Records Personnel Jacket. They fully accepted responsibility for their decisions and understand that there is no excuse for their actions. They are willingly to accept any resulting punishment. They are a good officer dedicated to serving and protecting the country for as long as they are allowed the privilege to do so. They have already completed the Army Substance Abuse Program and they have expedited all civilian legal proceedings for their case and will abide by the Diversionary Agreement. They have had great Officer Evaluations and they have stepped up to be the Officer in Charge for the Afghanistan tasking departing this Sunday [22 July 2012]. They have had a career in the military for 13 years serving in both the U.S. Army and the U.S. Navy.

(5) A memorandum, Headquarters, Fort Riley, subject: Filing Determination on Reprimand, dated 31 July 2012, reflects the commanding general carefully considered the reprimand, the circumstances of the misconduct, and all matters submitted by the applicant in defense, extenuation or mitigation, if any, along with recommendation of subordinate commanders. The commanding general direct the GOMOR be placed permanently in the applicant's AMHRR.

(6) A DA Form 67-9 (Officer Evaluation Report), covering the period 16 February 2011 through 12 July 2012, signed by the applicant on 1 August 2012, reflects in –

- Part IId (This is a Referred Report, Do you wish to make comments?) – Referred is marked and the applicant marked “No” comments are attached
- Part IVa (Army Values) – the applicant's rater marked “NO” for Integrity and Selfless-Service
- Part IVb(3) (Actions (Leadership)) – the applicant's rater marked “NO” for Decision Making
- Part Va (Evaluate The Rated Officer's Performance) – the applicant's rater marked “Unsatisfactory Performance Do Not Promote”
- Part Vb (Comment) – reflects, in part, applicant's lack of judgement and decision making ability led to them getting a DUI, due to their personal judgement and decision making ability, they are not ready for Company Command at this time
- Part Vc (Comment on Potential for Promotion) – reflects “[Applicant] is not ready for Company Command and presently doesn't possess potential for promotion
- Part VIIa (Evaluate the Rated Officer's Promotion Potential) – reflects the applicant's senior rater marked “DO NOT PROMOTE”
- Part VIIb (Potential) – reflects the applicant's senior rater marked “BELOW CENTER OF MASS”
- Part VIIc (Comment on Performance) – reflects the senior rater commented, in part, “Unfortunately, during this rating period [Applicant] demonstrated extremely poor decision making and violated the Army Values

(7) A memorandum, HRC, subject: Initiation of Elimination, dated 28 March 2013, reflects the applicant was notified of their requirement to show case for retention on active duty under the provisions of Army Regulation 600-8-24, paragraph 4-2(b)(5) because of misconduct, moral or professional dereliction. The actions are based on specific reasons for elimination as described above in paragraph 3c(2). The HRC commanding general notified the applicant of their rights in according with Army Regulation, paragraph 4-24. On 26 August 2013, the applicant acknowledged receipt of their Notification of Initiation of Elimination.

(8) In the applicant's memorandum, subject: Election of Formal BOI, in Accordance with Army Regulation 600-8-24, dated 11 September 2013, reflects the applicant elected to proceed to a formal BOI.

(9) A memorandum, U.S. Army Medical Department Activity, subject: Notification to Appear Before a BOI, dated 23 September 2013, reflects the applicant was notified that a BOI will be conducted on 29 October 2013 to determine whether the applicant should be retained or eliminated from the service and, if eliminated, their characterization of service. On 3 October 2013, the applicant acknowledged receipt of the notification.

(10) A DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers), dated 29 October 2013, reflects in –

(a) Findings – the allegation the applicant has substantiated derogatory activity resulting in a GOMOR, dated 17 July 2012 and a Referred OER for the period 16 February 2011 through 12 July 2012, which were filed in their AMHRR, is supported by a preponderance of the evidence. The allegation the applicant conduct unbecoming an officer is indicated in the GOMOR and Referred OER is supported by a preponderance of the evidence. The findings do warrant elimination with respect to the applicant.

(b) Recommendations – in view of the above findings, the board recommends the applicant be eliminated from in the U.S. Army with a General (Under Honorable Conditions) characterization of service.

(c) Section VIII (Action by Approving Authority) – the approving authority, commanding general, Headquarters, Fort Riley, approved the findings and recommendations.

(11) A DD Form 2697 (Report of Medical Assessment) dated 31 October 2013, reflects the applicant indicated marked “Yes” for item 12 (Since your last medical assessment/physical examination, have you been seen by or been treated by a health care provider, admitted to a hospital, or had surgery?) and indicated Mental Health. The health care provide commented, the applicant has been evaluated, treated for mental health since las assessment (anxiety).

(12) A DD Form 2807-1 (Report of Medical History) dated 31 October 2013, reflects the applicant marked “Yes” to multiple items to “Have you ever had or do you now have;” to include received counseling of any type and depression or excessive worry. The applicant explained they have received counseling for PTSD and divorce. The examiner commented the applicant received counseling for relationship issues and PTSD.

(13) A DD Form 2808 (Report of Medical Examination) dated 31 October 2013, reflects the examining physician marked “Normal” for all items examined except for item 18 (Nose) and item 37 (Identifying tattoos).

- item 74 (Examinee/Applicant) – reflects the examining physician marked “Is Qualified for Service”
- item 74b (Physical Profile) – reflects the applicant has no physical profile restrictions and is considered to possess a high level of medical fitness
- item 77 (Summary of Effects and diagnoses) reflects, hypertension, hearing loss, plantar fasciitis left foot, low back pain and knee pain

(14) In the applicant’s memorandum, subject: Response to BOI Recommendation, dated 9 November 2013, reflects the applicant’s request their separation be disapproved and, if that is not deemed to be in the Army’s best interest despite their deep commitment and loyal service to this nation, that they receive an honorable discharge, as that characterization of service more accurately reflects the level of their commitment and loyal service.

(15) A memorandum, Headquarters, 1st Infantry Division and Fort Riley, subject: Legal Review of Officer Elimination – [Applicant], dated 14 November 2013, reflects the Administrative Law Attorney reviewed the proceedings and all allied documents regarding the elimination of the applicant and determined the elimination is legally sufficient.

(16) A memorandum, Headquarters, 1st Infantry Division and Fort Riley, subject: Officer Elimination Proceedings for [Applicant], dated 20 November 2013, the commanding general, after reviewing the findings and recommendations of the BOI and the appeal matters submitted by the applicant, recommended the applicant be eliminated from the Army prior to the expiration of their current term of service, under the provision of Army Regulation 600-8-24, paragraph 4-

2b, because of misconduct, moral or professional dereliction, and that their service be characterized as Honorable.

(17) A memorandum, Department of the Army, Office of the Assistant Secretary Manpower and Reserve Affairs, subject: Officer Elimination Case, [Applicant], dated 24 January 2014, reflects the Department of the Army Board of Review for Eliminations recommended the applicant be involuntarily eliminated from the U.S. Army based on misconduct and moral or professional dereliction, with an Honorable characterization of service. The Deputy Assistant Secretary (Army Review Boards) approved the applicant's elimination with an Honorable characterization of service.

(18) On 10 February 2014, the applicant was discharged accordingly, the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides they completed 6 years, 8 months, and 24 days of net active service this period and completed their first full term of service. Their DD Form 214 reflects in –

- item 24 (Character of Service) –Honorable
- item 25 (Separation Authority) – Army Regulation 600-8-24, paragraph 4-2b
- item 26 (Separation Code) – JNC
- item 28 (Narrative Reason for Separation) – Unacceptable Conduct

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): None

(1) Applicant provided: Separation examination documents reflecting the applicant has been evaluated, treated for anxiety by mental health and received counseling for relationship issues and PTSD.

(2) AMHRR Listed: Separation examination as described in previous paragraph 4h(11&12).

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 149 (Application for Correction of Military Records under the Provisions of Title 10, U.S. Code, Section 1552), with letter
- Counsel's Letter regarding: Army Board for Correction of Military Records Application [Applicant] with 15 enclosures
 - Enclosure 1 – Notification to Appear Before a BOI
 - Enclosure 2 – Commanding General Recommendation for Honorable Discharge
 - Enclosure 3 – Summary of BOI Proceedings
 - Enclosure 4 – DD Form 214 for the period ending 10 February 2014
 - Enclosure 5 – GOMOR
 - Enclosure 6 – Officer Record Brief
 - Enclosure 7 – Applicant's Response to BOI Recommendation
 - Enclosure 8 – Officer Evaluation Report covering the period 13 July 2012 through 12 July 2013
 - Enclosure 9 – DD Form 214 for the period ending 15 April 1992 (U.S. Navy)
 - Enclosure 10 – Officer Evaluation Report
 - Enclosure 11 – Memorandums in Support, [for BOI proceedings]
 - Enclosure 12 – Kurta Memorandum
 - Enclosure 13 – Separation Examination medical documents

- Enclosure 14 – Deployment Awards
- Enclosure 15 – Municipal Court – Order of Dismissal

6. POST SERVICE ACCOMPLISHMENTS: None submitted with application.

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 15-6 (Procedures for Administrative Investigations and Board of Officers) establishes procedures for conducting preliminary inquiries, administrative investigation, and board of officers when such procedures are not established by other regulations or directives. Preliminary inquiries is a procedure used to ascertain the magnitude of a problem, to identify and interview witnesses, to summarize or record witnesses' statements, to determine whether an investigation or board may be necessary, or to assist in determining the scope of a subsequent investigation. An appointing authority may conduct a preliminary personally or may appoint an inquiry orally or in writing. The inquiry will be accomplished in accordance with guidance provided in chapter 4 (Preliminary Inquiries) of this regulation.

e. Army Regulation 600-8-24 (Officer Transfers and Discharges) effective 12 May 2006, set forth the basic authority for the separation of commissioned and warrant officers.

(1) Paragraph 1-22 (Types of Administrative Discharge/Character of Service) provided the authorized types of characterization of service or description of separation.

(2) Paragraph 1-22a, stated an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty.

(3) Paragraph 1-22b, stated an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: submits an unqualified resignation; separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; or, for final revocation of a security clearance.

(4) Paragraph 1-22c, stated a discharge under other than honorable conditions is an administrative separation from the service. A discharge certificate will not be issued. An officer will normally receive an under other than honorable conditions when they, resign for the good of the service; are dropped from the rolls of the Army; are involuntary separated due to misconduct, moral, professional dereliction, or for the final revocation of a security clearance; or are discharged following conviction by civilian authorities.

(5) Chapter 4 (Eliminations) outlined the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(6) Paragraph 4-2b, prescribed for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security. Paragraph 4-2c (Derogatory

Information) stated when adverse information is filed in the AMHRR it is required to review the officer's record for consideration of terminating appointment.

(7) Paragraph 4-24 (Rules for Processing an Option that an Officer Elects while Elimination Action is Pending) stated an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible.

f. 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 "JNC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 600-8-24, Unacceptable Conduct.

g. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement.

h. Manual for Courts-Martial, United States (2012 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 the following, Article 111 (Drunk or reckless operation of vehicle) and Article 133 (Conduct Unbecoming an Officer and a Gentleman).

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 applicant's AMHRR reflects the applicant received GOMOR in violation of Article 111 (Drunk or reckless operation of vehicle) and Article 133 (Conduct Unbecoming an Officer and a Gentleman), received a Referred OER, was required to Show Cause for retention on Active Duty, and was involuntarily discharged from the U.S. Army. Their DD Form 214 provides they were discharged with a character of service of Honorable, for unacceptable conduct. They completed 6 years, 8 months, and 24 days of net active service this period and completed their first full term of service.

c. Army Regulation 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers. Paragraph 1-22b, states an officer will normally receive a general (under honorable conditions) characterization of service

when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: Submits an unqualified resignation; separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and, for final revocation of a security clearance.

d. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD, nor did the applicant provide evidence of a diagnosis of PTSD, during their military service. The applicant provided their separation examination documents reflecting the applicant has been evaluated, treated for anxiety by mental health and received counseling for relationship issues and PTSD.

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/experiences: Major Depressive DO (MDD); PTSD; Neurosis (aka Generalized Anxiety DO) [Note-diagnosis of Adjustment DO is subsumed under diagnosis of PTSD. Diagnosis of Anxiety DO NOS is subsumed under diagnosis of PTSD.]

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found PTSD, MDD were diagnosed during service. VA service connection for Neurosis establishes nexus with 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, Neurosis (also known as Generalized Anxiety DO). As there is an association between this condition and self-medication with alcohol or illicit drugs, there is a nexus between this condition and the applicant's arrest for DWI. The applicant's diagnoses of PTSD and MDD are not mitigating conditions as they were diagnosed one to two years after he engaged in his misconduct.

(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.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends in the interest of equity and justice; their military records should absolutely be corrected.

The Board acknowledged this contention.

(2) The applicant contends on 5 July 2012; they were charged with Driving Under the Influence (DUI) and this was their only criminal incident.

The Board acknowledged this contention.

(3) The applicant contends they were issued a general officer memorandum of reprimand (GOMOR) on 19 July 2012 and on 22 July 2012 they deployed to Afghanistan, making it impossible to provide any written materials in response to the GOMOR.

The Board acknowledged this contention.

(4) The applicant contends despite their Honorable character of service, the separation code and the narrative reason of "Unacceptable Conduct" contradicts the purpose of an honorable discharge.

The Board acknowledged this contention.

(5) The applicant contends It was inequitable for the Army to deploy them after their DUI incident and then separate them from the Army upon their return from their deployment to Afghanistan.

The Board acknowledged this contention.

(6) The applicant contends their record of military service does not support the Board of Inquiry's recommendation and the subsequent actions by HRC as to their entries on their DD Form 214 (Certificate of Release or Discharge from Active Duty).

The Board acknowledged this contention.

(7) The applicant contends the procedures for issuing the referred OER and GOMOR lacked significant elements of fairness.

The Board considered this contention in its deliberations.

(8) The applicant contends in light of their numerous deployments and the reported evaluation; their likely PTSD means that liberal consideration should apply to their application for relief.

The Board acknowledged and considered the Board's Medical Advisor's liberal consideration; the applicant has a mitigating BH condition, Neurosis (also known as Generalized Anxiety DO). As there is an association between this condition and self-medication with alcohol or illicit drugs, there is a nexus between this condition and the applicant's arrest for DWI. The applicant's diagnoses of PTSD and MDD are not mitigating conditions as they were diagnosed one to two years after he engaged in his misconduct.

(9) The applicant contends their PTSD symptoms began after their service in the U.S. Navy and their participation in the Gulf War. Their alcohol use was how they managed their symptoms.

The applicant's diagnoses of PTSD and MDD are not mitigating conditions as they were diagnosed one to two years after he engaged in his misconduct.

d. The Board determined a change to the applicant's narrative reason to Secretarial Authority with a corresponding SPD code of KFF was warranted. The Board did not change the characterization of service because it is an Honorable discharge.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210016785****e. Rationale for Decision:**

(1) The Board voted to change the applicant's narrative reason for separation to Secretarial Authority with a corresponding separation code of KFF. The applicant's DUI arrest was medically mitigated under liberal consideration. Secretarial Authority is the most appropriate narrative reason for the applicant's medically mitigated basis of separation. The Board voted not to change the applicant's characterization of service as it was previously upgraded to an Honorable discharge. There is no RE code because the applicant is an officer and there are no RE codes assigned for officers.

(2) The Board voted to change the applicant's reason for discharge to Secretarial Authority with accompanying SPD code of KFF under the same rationale.

(3) As the applicant was an Officer, there is no reentry code supplied upon discharge, Honorable or otherwise.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order:** Yes
- b. Change Characterization to:** No change
- c. Change Reason / SPD code to:** Secretarial Authority/KFF
- d. Change RE Code to:** N/A
- e. Change Authority to:** No change

Authenticating Official:

5/15/2025

**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