

1. Applicant's Name: [REDACTED]**a. Application Date:** 7 July 2021**b. Date Received:** 9 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 general (under honorable conditions). The applicant requests an upgrade to honorable.

(2) The applicant seeks relief contending it is for enlistment in the U.S. Army, utilize their education benefits, and to enroll in school. They acknowledge the wrong they did and take responsibility. They failed to use common sense, were immature, did not heed to wise counsel, and made incorrect decisions. They have taken substance abuse classes, as well as other educational courses, to better educate themselves and to help them make better decisions. Since that morning four years ago, they have not taken a drink of alcohol because they see it as something that has cost them a great opportunity and career. They are asking for a discharge upgrade so they can go to school, return to active duty, and be someone their children can look up too.

b. Board Type and Decision: In a records review conducted on 04 June 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length, acceptance of responsibility and no further misconduct in the file, warrants an upgrade. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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.

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: 5 September 2017

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 27 July 2017

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

- on 2 April 2017, while attempting to enter Fort Polk through an Access Control Point, they were stopped because they were emitting a strong odor of an alcoholic beverage from their breath and person
- they were administered a field sobriety test which they failed

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- they were apprehended and transported to Fort Polk Department of Emergency Services where they refused a lawfully requested test to measure their Blood Alcohol Content (BAC)
- as a result, they received a general officer memorandum of reprimand (GOMOR) for failing to complete a lawfully required test to measure BAC and driving under the influence
- their actions have shown a total disregard for military customs and are inconsistent with Army values and the required expectations, integrity, and moral standards expected of Soldiers

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

(4) Legal Consultation Date: 1 August 2017

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 14 August 2017/ General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 4 April 2016 / 2 years

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / 100

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B10, Infantryman / 3 years, 7 months, 3 days

d. Prior Service / Characterizations: NIF

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AGCM, NDSM, GWTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A memorandum, Headquarters, Joint Readiness Training Center and Fort Polk, subject: GOMOR, dated 27 April 2017, reflects the applicant was reprimanded in writing for, on or about 2 April 2017, at or near Fort Polk, LA, attempted to enter the installation through an Access Control Point. The smell of a strong odor of an unknown alcoholic beverage emitted from their breath and person. They were then administered a field sobriety test, which they failed. They were apprehended and transported to the Department of Emergency Services and refused to complete a lawfully requested test to measure BAC. They were therefore, reprimanded for failing to complete a lawfully required test to measure BAC and driving under the influence.

(2) A memorandum, Headquarters, Joint Readiness Training Center and Fort Polk, subject: Filing Determination on Reprimand [GOMOR], dated 15 May 2017, reflects the commanding general directed the applicant's GOMOR be placed permanently in their Army Military Human Resource Record (AMHRR).

(3) A DA Form 3822 (Report of Mental Status Evaluation) dated 28 April 2017, reflects the applicant has no duty limitations due to behavioral health reason, currently meets medical retention standards, and is cleared for administrative action. Section IV (Diagnoses) reflects medical diagnoses are documented in Armed Forces Health Longitudinal Technology Application. In Section VI (Recommendations and Comments for Commander) the behavioral health provider states the applicant does not have a behavioral health condition that warrants disposition through medical channels. They are psychiatrically cleared for Army Regulation 635-200, paragraph 14-12c administrative separation. There is no indication the applicant's alleged misconduct is related to a behavioral health condition.

(4) A DD Form 2808 (Report of Medical Evaluation) dated 28 April 2017 reflects the examining physician marked "Normal" for all items examined, the applicant is qualified for service with no physical profile and lists no diagnoses.

(5) A memorandum, Bravo Company, 2nd Battalion, 4th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division (Light Infantry), subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 17 June 2017, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The company commander states they do not consider it feasible or appropriate to accomplish other disposition as the applicant will not develop sufficiently to participate satisfactory in further training. The applicant's potential for advancement or leadership is highly unlikely. Further attempts at rehabilitation would not produce a quality Soldier. The separation is in the best interest of both the Army and the applicant.

(6) A memorandum, Bravo Company, 2nd Battalion, 4th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division (Light Infantry), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 27 July 2017, 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) On 1 August 2017, the applicant completed their Election of Rights Regarding Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, signing they have been advised by consulting counsel of the basis for the contemplated action to separate them Commission of a Serious Offense, and its effects; of the rights available to them; and of the effect of any action taken by them in waiving their rights. They understand they may expect to encounter substantial prejudice in civilian life if a general (under honorable conditions) discharge is issued to them and further understand that as the result of issuance of a discharge less than honorable, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They requested consulting counsel and elected not to submit statements in their own behalf.

(8) A memorandum, Headquarters, 2nd Battalion, 4th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division (Light Infantry), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 10 November 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).

(9) A memorandum, Headquarters, 3rd Brigade Combat Team, 10th Mountain Division (Light Infantry), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 14 August 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.

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

j. **Behavioral Health Condition(s):** None

5. **APPLICANT-PROVIDED EVIDENCE:** none submitted with application.

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 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 92 (Failure to Obey Order or Regulation) and Article 113 (Drunken or Reckless Operation of a Vehicle).

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 failing to complete a lawfully required test to measure BAC and drinking underage the influence; 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 3 years, 7 months, and 3 days of net active service this period and completed their first full term of service honorably; however, as it pertains to the period in review they did not complete their reenlistment obligation of two years.

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. 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? **No**. The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contention(s): They are asking for a discharge upgrade so they can go to school, return to active duty, and be someone their children can look up too. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

d. The Board determined: By a 5-0, the Board determined the applicant's discharge is inequitable. The applicant's prior honorable service, length, acceptance of responsibility and no further misconduct in the file, warrants an upgrade. The board voted to upgrade the discharge to HD/JKN with no change to the RE code. If the applicant wishes to rejoin the military, a waiver should be required to ensure applicant meets recruitment standards.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's prior honorable service, length, acceptance of responsibility and no further misconduct in the file. Thus, the prior characterization is no longer appropriate.

(2) 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.

(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: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

6/10/2025

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