

1. Applicant's Name: [REDACTED]

a. **Application Date:** 20 September 2021

b. **Date Received:** 30 September 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, a narrative reason change, and changes to the separation and reentry codes.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief, contending their discharge was driven by an untreated mental health crisis compounded by alcohol misuse used as self-medication, harassment within their chain of command, and fear of seeking full support while struggling with sexual orientation and gender identity issues during service. Despite attempting to obtain treatment and comply with leadership guidance, the applicant's deteriorating mental health led to disciplinary actions and hospitalization, culminating in separation. The applicant asserts they were trying to remain a good Soldier while managing severe personal and psychological stressors without adequate command support, and requests their service be viewed in the full context of these mitigating circumstances and upgraded to honorable.

c. **Board Type and Decision:** In a records review conducted on 5 March 2026, and by a 3-0 vote, the Board determined that, after reviewing the applicant's request, supporting documentation, medical findings, and applicable Department of Defense guidance, the applicant's diagnoses of Adjustment Disorder, Depression, Alcohol Disorders, and Mood Disorder mitigated the misconduct involving intoxication, DUI, disobeying a lawful order, and failing to report, rendering the original basis for separation inequitable. 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:** 23 March 2010

c. **Separation Facts:** The Army Military Human Resource Record (AMHRR) provides the following details:

(1) **Date of Notification of Intent to Separate:** 8 February 2010

(2) **Basis for Separation:** On 22 April 2009, the applicant wrongfully overindulged in intoxicating liquor; on 1 November 2009, they wrongfully disobeyed a lawful order issued by

their commander; on 28 October 2009, the applicant wrongfully operated a vehicle while under the influence of alcohol; and failed to report for duty on diverse occasions.

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

(4) Legal Consultation Date: 9 February 2010 / The applicant waived counsel and elected to provide a personal statement; however, no statement(s) were found in the record.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 11 March 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 23 April 2008 / 4 years

b. Age at Enlistment / Education / GT Score: 22 / High School Diploma / 91

c. Highest Grade Achieved / MOS / Total Service: E-3 / 92A1O Automated Logistical Specialist / 1 year, 11 months, 1 day

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Two Reports to Suspend Favorable Personnel Actions (FLAG)), reflects the applicant was flagged on 3 December 2009, for adverse action (AA) and on 27 January 2010, for field-initiated involuntary separation (BA).

(1) On 11 May 2009, the applicant received nonjudicial punishment (NJP) for as a result of wrongful previous overindulgence in intoxicating liquor/drugs incapacitated for the proper performance of their duties on 22 April 2009, in violation of Article 134, UCMJ. Their punishment imposed a reduction to private (E-1); suspended forfeitures of \$326.00 pay per month for one month; and extra duty for 14 days.

(2) On 6 October 2009, the platoon sergeant counseled the applicant for failing to report to duty for inspection; however, the second page identifying whether or not the applicant agreed and/or left remarks is missing from the record.

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: Medical records dated between 6 May 2009 – 18 May 2010, indicated the applicant was receiving individual therapy; however, no behavioral health diagnosis was noted in the records.

(2) AMHRR provided: On 13 January 2010, the applicant self-enrolled in the Army Substance Abuse Program (ASAP) following a DUI, with behavioral indicators including decreased work quality, sporadic performance, absenteeism, and unusual excuses for absences; the commander recommended education and treatment for a suspected substance issue. A medical examination, 22 January 2010, diagnosed the applicant with Adjustment Disorder with depression and anxiety and noted they fell below retention standards under AR 40-501, pending BH clearance. On 1 February 2010, a mental status evaluation confirmed Adjustment Disorder with anxiety and found the applicant psychiatrically cleared for administrative proceedings.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Self-Authored Statement; Medical Records

6. POST SERVICE ACCOMPLISHMENTS: None provided with application.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. 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:

(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.

f. 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 14-12c, 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, it will 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

g. 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, 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, a narrative reason change, and changes to the separation and reentry codes. The applicant's Army Military Human Resources

Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An authenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was discharged under the provisions of AR 635-200, Chapter 14-12C for misconduct (serious offense) with a general (under honorable conditions) characterization of service. In May 2009, the applicant received NJP for being drunk on duty from the previous wrongful overindulgence of alcohol (Article 134; UCMJ) and was reduced to private. In October 2009, the applicant received a DUI and self-enrolled into ASAP. For separation, the applicant waived counsel and elected to provide a statement on their behalf; however, no such documents were found in the record. They served 1 year, 11 months, and 1 day of a 4-year enlistment contractual obligation.

(2) The applicant self-enrolled in ASAP in January 2010, following a DUI; a 22 January 2010 medical exam diagnosed Adjustment Disorder with and anxiety and found they fell below retention standards under AR 40-501, pending BH clearance and a 1 February 2010 mental status evaluation confirmed Adjustment Disorder with anxiety and psychiatrically cleared for administrative proceedings.

b. The applicant contends their discharge resulted from a severe mental health crisis and alcohol misuse tied to untreated psychological stress and struggles with sexual orientation and gender identity, compounded by lack of adequate command support. They assert their misconduct occurred while attempting to seek help and manage worsening mental health, and request their service be reconsidered in light of these mitigating circumstances. Medical records dated between May 2009 – May 2010, shows the applicant was receiving individual therapy; however, no behavioral health diagnosis was noted in the records.

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.

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: Adjustment Disorder, Depression, Alcohol Disorders, and Mood Disorder, NOS.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA medical records indicate the applicant is 100% service connected for Major Depressive Disorder and other medical conditions.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that there is evidence of mitigating BH conditions. The applicant was diagnosed in service with an Adjustment Disorder, Depression,

Alcohol Disorders, and Mood Disorder, NOS. The VA has service connected the applicant 100% for Major Depressive Disorder due to the applicant's experience of psychotic symptoms when in a depressive episode. The applicant was discharged from military service due to intoxication and operating a vehicle while under the influence of alcohol. Given the nexus between depression and the use of substances for the purpose of self-medication, the applicant's intoxication and DUI are both mitigated. In addition, there is an association between depression and difficulty with authority that mitigates the applicant's wrongfully disobeying a lawful order issued by their commander. The applicant's wrongful failure to report for duty on diverse occasions is also mitigated due to the nexus between depression and avoidance.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the applicant's behavioral health conditions outweighed the basis for separation.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends their discharge resulted from a severe mental health crisis and alcohol misuse tied to untreated psychological stress and struggles with sexual orientation and gender identity, compounded by lack of adequate command support. They assert their misconduct occurred while attempting to seek help and manage worsening mental health, and request their service be reconsidered in light of these mitigating circumstances. The Board considered this contention and noted that the applicant's documented behavioral health conditions were already recognized as mitigating factors, forming the basis for granting relief regarding the characterization and narrative reason for separation.

d. The Board determined that, after reviewing the applicant's request, supporting documentation, medical findings, and applicable Department of Defense guidance, the applicant's diagnoses of Adjustment Disorder, Depression, Alcohol Disorders, and Mood Disorder mitigated the misconduct involving intoxication, DUI, disobeying a lawful order, and failing to report, rendering the original basis for separation inequitable. 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. The applicant has exhausted all available appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

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 Adjustment Disorder, Depression, Alcohol Disorders, and Mood Disorder outweighed the misconduct involving intoxication, DUI, disobeying a lawful order, and failing to report.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220000294

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

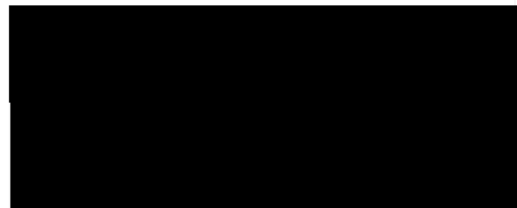
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

3/27/2026



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