

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 11 September 2021
- b. **Date Received:** 16 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.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, was discharged for being charged with a DUI, which was dismissed after the discharge. The applicant was also accused of inappropriate relations with an enlisted member; however, this was not an actual charge according to an attorney. The applicant falls under 50 percent for PTSD.

c. **Board Type and Decision:** In a records review conducted on 28 August 2025, and by a 5-0 vote, the Board determined the discharge was inequitable. It granted relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, paragraph 14-12a. The Board made no changes to the narrative reason for separation or the corresponding separation code, which remain listed as Unacceptable conduct and JNC, respectively. The Board also determined that the RE Code was proper and equitable and voted to leave it unchanged.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Unacceptable Conduct / AR 600-8-24, Chapter 4-2B / JNC / General (Under Honorable Conditions)

b. **Date of Discharge:** 18 November 2010

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 31 December 2009

(2) **Basis for Separation:** The applicant was required to Show Cause for retention under the provisions of AR 600-8-24, paragraphs, 4-2b(3), 4-2b(5), and 4-2c(5), for the mismanagement of personal affairs to the discredit of the Army, committing acts of personal misconduct, and receiving a General Officer memoranda of Reprimand which was filed in the OMPF. The action was based on the following specific reasons for elimination:

(a) Between 1 July 2008 and 31 July 2008, the applicant wrongfully engaged in an unprofessional relationship with Specialist J. E.

(b) On or about 19 September 2009, the applicant operated a motorcycle while under the influence of alcohol. A test administered determined the applicant's Breath Alcohol Content to be .127 percent.

(c) On 8 October 2009, a General Officer Memoranda of Reprimand was filed in the applicant's OMPF.

(3) Board of Inquiry (BOI) Date: On 24 May 2010, a board of Inquiry recommended the applicant be involuntarily separated based on misconduct and moral or professional dereliction, and derogatory information, with a General (Under Honorable Conditions) characterization of service.

(4) Legal Consultation Date: On 4 March 2010, the applicant elected to conditionally waive the right to appear before a Board of Inquiry, contingent upon receiving a characterization of service no less favorable than honorable.

(5) GOSCA Recommendation Date / Characterization: On 12 March 2010, the GOSCA recommended the applicant's conditional request for resignation in lieu of elimination be disapproved, and the applicant be required to show cause for retention on active duty before the previously appointed board of inquiry.

(6) DA Board of Review for Eliminations: On 14 October 2010, 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, Chapter 4-2b(3) and (5), and 4-2c(5).

(7) DASA Review Board Decision Date / Characterization: On 14 April 2010, the DASA did not accept the applicant's resignation in lieu of elimination and directed the case be returned to the Commanding General and directed a Board of Inquiry be conducted unless the applicant tendered an unconditional resignation in lieu of elimination. On 24 May 2010, a Board of Inquiry recommended the applicant be separated from the United States Army based on Misconduct and Moral or professional dereliction and derogatory information and receive a general (under honorable conditions) / 15 October 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Appointment:** 13 November 2002 / 6 years
- b. **Age at Appointment / Education:** 29 / college degree
- c. **Highest Grade Achieved / AOC / Total Service:** CW2 / 154C0, CH-47D Pilot / 16 years, 5 months, 17 days
- d. **Prior Service / Characterizations:** RA, 2 June 1994 – 26 June 1997 / HD
RA, 27 June 1997 – 12 January 2000 / HD
RA, 13 January 2000 – 12 November 2002 / HD
- e. **Overseas Service / Combat Service:** Korea, SWA / Afghanistan (15 November 2009 – 29 October 2010); Iraq (23 April 2007 – 22 July 2008)
- f. **Awards and Decorations:** AM, ARCOM-3, JSAM, AAM-3, AGCM-2, NDSM-2, ACM-2CS, GWOTSM, ICM-CS, NCOPDR, ASR, OSR, NATOMDL
- g. **Performance Ratings:** 21 January 2004 – 31 December 2004 / Best Qualified
1 January 2005 – 3 June 2005 / Best Qualified
4 June 2005 – 20 February 2006 / Fully Qualified

21 February 2006 – 20 February 2007 / Fully Qualified
21 February 2007 – 20 February 2008 / Best Qualified
21 February 2008 – 20 February 2009 / Best Qualified
21 February 2009 – 20 February 2010 / Do Not Promote
21 February 2010 – 16 November 2010 / Other

h. Disciplinary Action(s) / Evidentiary Record: General Officer Memorandum of Reprimand, 24 September 2009, reflects the applicant was reprimanded for driving while under the influence of alcohol. On 19 September 2009, while riding a motorcycle in Richmond Hill, Georgia, a Richmond Hill Police Officer observed the applicant fail to stop at a stop sign and fail to use the turn signal prior to executing a turn. The officer initiated a traffic stop and administered a breathalyzer test. The text showed the applicant's blood alcohol content at the time to be .127. As a result, the applicant was cited with driving under the influence, failing to stop at a stop sign, and failing to use the turn signal.

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:** None

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge and ARBA Letter.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health

professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), 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 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers.

(1) Chapter 1 prescribes the officer transfers from active duty (AD) to the Reserve Component (RC) and discharge functions for all officers on AD for 30 days or more. It provides principles of support, standards of service, and policies to support officer transfers and discharges.

(a) Paragraph 1-23, provides the authorized types of characterization of service or description of separation.

(b) Paragraph 1-23a, states 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, or the final revocation of a security clearance under DODI 5200.02 and AR 380-67 for reasons that do not involve acts of misconduct for an officer.

(c) Paragraph 1-23b, 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.

(2) Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

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

(b) Paragraph 4-20a (previously 4-24a), states 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

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

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 available evidence reflects the applicant was informed to show cause for retention on active duty under the provisions of AR 600-8-24, paragraphs 4-2b(3), 4-2b(5), and 4-2c(5) for the mismanagement of personal affairs to the discredit of the Army, committing acts of personal misconduct, and received a General Officer Memoranda of Reprimand which was file in the OMPF, due to the following reasons: Between 1 July 2008 and 31 July 2008, the applicant wrongfully engaged in an unprofessional relationship with Specialist J. E. On or about 19 September 2009, the applicant operated a motorcycle while under the influence of alcohol. A test administered to the applicant determined the Breath Alcohol Content to be .127 percent. On 8 October 2009, a General Officer Memoranda of Reprimand was filed in the applicant's OMPF. The applicant consulted with legal counsel and was discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for unacceptable conduct.

c. The applicant contends dismissal of the DUI charges after the discharge and the charge of an inappropriate relationship with an enlisted member was not a charge. The applicant did not submit

any evidence to support the contention. On 24 May 2010, the Board of Inquiry found the applicant wrongfully engaged in an unprofessional relationship with Specialist J. F.; and operated a motorcycle while under the influence of alcohol (a test administered to the applicant determined the Breath Alcohol Content was .127 percent). The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

d. The applicant contends being granted 50 percent for PTSD. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The applicant's AMHRR includes no documentation of a PTSD diagnosis.

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: PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant is service connected by the VA for PTSD which establishes that the condition existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the applicant is service connected by the VA for PTSD which provides partial mitigation for the basis of separation. Given the nexus between PTSD and using substances for self-medication, operating a motorcycle under the influence of alcohol is mitigated. However, engaging in an unprofessional relationship has no natural sequela with PTSD since PTSD does not interfere with the ability to understand professional boundaries or differentiate between right and wrong. Therefore, engaging in an unprofessional relationship is not mitigated by the applicant's PTSD.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience did not outweigh the basis of separation.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends dismissal of the DUI charges after the discharge and the charge of an inappropriate relationship with an enlisted member was not an actual charge. The Board considered this contention and noted the applicant provided no supporting documentation of a PTSD diagnosis in the AMHRR, and therefore found no basis to conclude the discharge resulted from a medical condition.

(2) The applicant contends being granted 50 percent for PTSD. The Board considered this contention and, while the applicant's AMHRR did not contain documentation of a PTSD diagnosis at the time of discharge, the Board's Medical Advisor confirmed that the applicant is service-connected by the VA for PTSD, thereby establishing that the condition existed during military service.

d. The Board determined the discharge is equitable based upon the applicant's separation basis is only partially associated with the applicant's Post Traumatic Stress Disorder, the Board considered Clemency for the entire basis. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214. The Board voted to keep the same separation authority of AR 600-8-24, Chapter 4-2B, the narrative reason for separation to Unacceptable Conduct with a separation code of JNC. The Board determined the RE Code was proper and equitable and voted not to change it. However, the applicant may request a personal appearance hearing to address further issues before the Board. 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, although the discharge was found to be equitable and only partially related to the applicant's Post-Traumatic Stress Disorder, clemency was applied to the entire basis.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

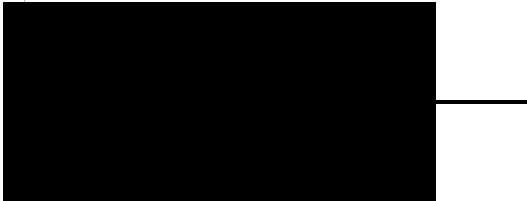
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10. BOARD ACTION DIRECTED:

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

Authenticating Official:

9/10/2025



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
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