

1. Applicant's Name: [REDACTED]

a. **Application Date:** 19 July 2021

b. **Date Received:** 13 September 2021

c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests a narrative reason change.

b. The applicant contends, through third-party, post-traumatic stress disorder (PTSD) caused the applicant's alcohol abuse.

c. **Board Type and Decision:** In a records review conducted on 14 October 2025, and by a 3-2 vote. The Board approved the applicant's request after determining that the separation was inequitable. As a result, the Board voted to grant relief by upgrading the characterization of service to Honorable and no change to the narrative reason for SPD. The Board further concluded that the existing Re-entry code was appropriate and equitable and therefore elected not to modify it. *Please see Section 9 of this document for more detail regarding the Board's decision.*

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General Discharge

b. **Date of Discharge:** 20 October 2008

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 8 July 2008 / 22 September 2008
(Notice of Vacation)

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

(a) The applicant was enrolled in the Army Substance Abuse Program and the commander determined further rehabilitation efforts were not practical thereby rendering the applicant a rehabilitation failure. The determination was made after consulting with the rehabilitation team.

(b) On 16 September 2007, the applicant was arrested for driving while intoxicated.

(c) On 20 September 2007, the applicant was issued a General Officer Memorandum or Reprimand for driving under the influence of alcohol on 16 September 2007.

(d) On 24 April 2008, the applicant was, as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of the applicant's duties.

(e) On or about 28 August 2008, the applicant was as a result of previous overindulgence in intoxicating liquor or drugs was incapacitated for proper performance of the applicant's duties. (The applicant was notified in the Notification of Vacation.)

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

(4) Legal Consultation Date: 8 July 2008

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 8 October 2008 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 17 February 2005 / 4 years

b. Age at Enlistment / Education / GT Score: 30 / One Year College / 98

c. Highest Grade Achieved / MOS / Total Service: E-4 / 44B1O, Metal Worker / 3 years, 8 months, 4 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AAM, NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Military Police Report (Blotter Report), 16 September 2007, reflects the applicant was apprehended for driving while intoxicated (DWI) (on post). Investigation revealed the applicant was involved in an accident and left the scene. A military police officer arrived at the scene and a witness indicated a vehicle swerved and hit a pole. The applicant returned to the scene and when approached by the officer, the applicant indicated the applicant was attempting to avoid hitting a rabbit when the applicant's vehicle swerved. The officer smelled an odor of alcohol emitting from the applicant. The applicant was injured and was unable to perform the Standard Field Sobriety Test. The applicant was transported to a medical facility and when the applicant returned, the applicant was administered a preliminary breath test, with a .134 result. The applicant refused the opportunity to take the Intoxilyzer 5000 test.

(2) General Officer Memorandum Of Reprimand, 20 September 2007, reflects the applicant was driving while intoxicated and refused to submit to a breathalyzer test. On 16 September 2007, after the applicant was in an accident with the applicant's vehicle, the applicant was approached by a military police officer and the officer detected an odor of alcohol emitting from the applicant. After the applicant received medical attention, the applicant was administered a preliminary breathalyzer, with a result of .134. Based on this circumstance, the applicant was apprehended, but refused a breathalyzer test. The applicant submitted a rebuttal to the GOMOR explaining the details of the accident and the reason the applicant refused a second breathalyzer test.

(3) Military Police Report (Blotter Report), 20 September 2007, reflects the applicant was apprehended for driving while intoxicated and operating a vehicle with an open container (on post). Investigation revealed a military police officer observed the applicant driving while driving privileges were suspended. The officer initiated a traffic stop. The applicant told the officer the previous DWI case was dropped, but the officer found the applicant's privileges were suspended for one year. The applicant was administered a breath test using Intoxilyzer 5000, which resulted in .17 blood alcohol content (BAC).

(4) Memorandum for Record, 14 November 2007, reflects the applicant was remorseful regarding the applicant's misconduct and requested the separation be suspended.

(5) Two U.S. District Court Eastern District of Virginia Petty Offense Docket Sheets, 20 November 2007 and 18 January 2008, reflect the applicant was charged with DUI and Refusal (16 September 2007) and DUI (20 September 2007) and the U.S. Magistrate Judge, Fort Eustis documents.

(6) Receipt For Inmate or Detained Person, 24 April 2008, reflects the applicant was retained for being drunk on duty and conduct prejudicial to good order and discipline.

(7) Army Substance Abuse Program (ASAP) Enrollment form, 25 April 2008 (one page), reflects the applicant command-referred in the ASAP. The applicant was referred for the following reasons:

- Red or Bleary Eyes
- Hangovers on the job
- Minor injuries
- Drinking during duty
- Absenteeism

(8) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 5 May 2008, for as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of the applicant's duties (24 April 2008). The punishment consisted of a reduction to E-1, forfeiture of \$653 pay per month for two months, and extra duty and restriction for 45 days.

(9) Medical Department Activity, subject: [Applicant], memorandum, 24 June 2008, reflects the applicant admitted to relapsing and drinking after completing treatment in April 2008. The applicant had another alcohol related incident and had not returned to ASAP for follow-up appointments. The applicant was determined to be a rehabilitation failure.

(10) Headquarters, 7th Sustainment Brigade (Rear) (Provisional), Fort Eustis, memorandum, 22 July 2008, reflects the separation authority approved the recommendation for separation, but suspended the separation for 180 days.

(11) 558th Transportation Company, Fort Eustis, memorandum, subject: Vacation of Chapter Packet Suspension, 3 September 2008, reflects the applicant's immediate commander explained the reason the commander recommended vacation of the suspension of the applicant's separation, citing the drunk on duty incident on 28 August 2008.

(12) 558th Transportation Company, Fort Eustis, memorandum, subject: Suspension of Separation, 29 September 2008, the applicant explained ASAP was attempting to place the applicant in a program, but the program was at full capacity for over a month before the applicant received confirmation. The applicant indicated alcoholism was very unpredictable.

(13) Three Developmental Counseling Forms for having positive duty performance during the month of June 2008, being drunk on duty, with a BAC of .127., and being drunk on duty, with a BAC of .081.

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

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** A letter from the applicant's parent describes the difference in the applicant's behavior before and after enlisting in the service. The parent indicates the applicant was involved in rescuing a deceased child from a pool when the applicant was a lifeguard. A Soldier was found deceased in the barracks while the applicant was on barracks duty. After these experiences the applicant suffered from nightmares, insomnia, and claustrophobia, showing signs of PTSD.

(2) **AMHRR Listed:**

(a) Report of Mental Status Evaluation, 2 June 2008, reflects the applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements.

(b) Report of Medical Examination, 3 June 2008, reflects the examining medical physician noted in the significant or disqualifying defects section, among other conditions, PTSD, and ethanol (alcohol) abuse.

(c) Medical Department Activity, Fort Eustis, McDonald Mental Health Center, letter, 14 July 2008, reflects the letter was addressed to the applicant's leadership. The clinical psychologist indicated the applicant had been in individual therapy since 30 April 2008, when the applicant sought treatment for anxiety, depression, and alcohol intoxication on 24 April 2008. The doctor described the applicant's progress and indicated the applicant did complete the ASAP program and had been consistent and earnest in the applicant's attempt to cope with alcoholism; therefore, it was unclear why the applicant was being considered for a Chapter 9. The applicant's relapse did not negate the completion of ASAP.

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; third party letter from the applicant's parent; and Army Review Boards Agency letter (one page, incomplete).

6. POST SERVICE ACCOMPLISHMENTS: None submitted with 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. Multiple Department of Defense 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; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 600-85 (The Army Substance Abuse Program) Headquarters Department defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected

evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to “Honorable” if protected evidence is used. Protected evidence under this policy includes a Soldier’s self-referral to BH for SUD treatment.

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier’s service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(3) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(4) Chapter 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse. A member who has been referred to the Army Substance Abuse Program (ASAP) for alcohol or drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program if there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical.

(5) Paragraph 9-4, stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. An honorable discharge is mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

(6) 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.

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 “JPD” as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, for alcohol rehabilitation failure.

g. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers’ Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes: RE-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.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The evidence of the Army Military Human Resource Record (AMHRR) indicates on 24 June 2008, the unit commander, in consultation with the Clinical Director/Army Substance Abuse Program (ASAP), declared the applicant a rehabilitation failure, determining further rehabilitation efforts were not practical.

c. The applicant's separation packet includes Army Substance Abuse Program (ASAP) Enrollment form, 25 April 2008, reflecting the applicant self-referred in the ASAP. The government introduced the document into the discharge process. The document is limited use information defined in AR 600-85. Use of this information mandates an award of an honorable discharge.

d. The applicant, through third-party, contends PTSD affected behavior which led to the discharge. The applicant provided a third-party letter from the applicant's parent, which described the applicant's change in behavior after experiencing various traumatic events while in the service. The applicant's AMHRR reflects the applicant underwent a mental status evaluation on 2 June 2008, indicating the applicant was mentally responsible and recognized right from wrong. The MSE does not indicate any diagnosis. The applicant underwent a medical evaluation on 3 June 2008, and the examining medical physician noted PTSD and alcohol abuse. A McDonald Mental Health Center clinical psychologist indicated the applicant sought treatment for anxiety, depression, and alcohol intoxication on 24 April 2008 and had been in individual therapy since 30 April 2008. The separation authority considered the documents in the AMHRR.

e. The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 9, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "alcohol rehabilitation failure," and the separation code is "JPD." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

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, 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: Depression; self-asserted PTSD.

(2) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor found the applicant was diagnosed with Depression during his TIS.

(3) Does the condition or experience outweigh the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that a review of the available information shows the applicant has a BH condition that mitigates his misconduct. The applicant was diagnosed with Depression in April 2007 and at the time of the diagnosis there was no alcohol-related misconduct in the record. All the applicant's misconduct occurred secondary to him being diagnosed with Depression and given the nexus between Depression and the use of substances to self-medicate, the applicant's alcohol-related misconduct that resulted with him being deemed a rehabilitation failure is mitigated by his BH condition. While the applicant asserts a diagnosis of PTSD, records do not support the diagnosis and a VA examination from September 2015 found that he did not meet criteria for the condition.

(4) Does the condition or experience completely outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's condition or experience outweighed the listed basis for separation for the aforementioned reasons.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant, through third-party, contends PTSD affected behavior which led to the discharge. The considered this contention and granted Honorable Discharge with no change to SPD or Re-entry code.

(2) The applicant contends the narrative reason for the discharge needs changed. The Board majority considered this contention and determined that relief was warranted only for Honorable Discharge. No change to SPD or Re-entry code.

d. The Board determined that the applicant separation was inequitable. As a result, the Board voted to grant relief by upgrading the characterization of service to Honorable and no change to the narrative reason for SPD. The Board further concluded that the existing Re-entry code was appropriate and equitable and therefore elected not to modify it.

e. Rationale for Decision:

(1) The Board voted to upgrade the applicant's characterization of service. The Board carefully weighed the applicant's overall length and quality of service. Although the discharge was procedurally and substantively proper at the time, and the applicant was afforded full administrative due process, a change in characterization was voted by the Board to Honorable.

(2) 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.

(3) 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

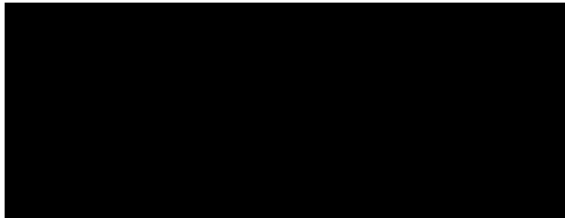
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable Discharge
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

12/5/2025



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