

1. Applicant's Name: [REDACTED]

a. **Application Date:** 30 November 2021

b. **Date Received:** 30 November 2021

c. **Counsel:**

2. Request, Issues, Board Type, and Decision:

a. **Applicant Requests:** The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to general (under honorable conditions).

b. **Applicant Contention(s)/Issue(s):**

(1) The applicant requests relief contending, they developed an alcohol problem in the military. Throughout their military career their alcohol problem increased as each year they were in. They feel the Army gave them depression, anxiety, and other mental health problems that resulted in them to revert to using alcohol as a self-medication. They have been diagnosed with depression, Post Traumatic Stress Disorder (PTSD), severe anxiety and a few other mental health disorders since their discharge. They serve for three years, and they had six months left on their contract. They received an Army Achievement Award for their outstanding physical training score. They worked hard daily, and they were promoted faster than any of their peers. It can be seen the only problem they had during their service was caused due to alcohol related incidents.

(2) They feel their discharge is inadequate due to undiagnosed PTSD cause by Military Sexual Trauma. They were sexually assaulted in the military and humiliated by the pictures there was sent around the military base. They were laughed at, made fun of, and felt so uncomfortable around any of their peers. They turned to drinking to avoid remembering any of it and then received a Driving Under the Influence (DUI). They have gone through countless hours of therapy, received anti-depressants, anxiety medication, and a lot of mental scarring from this. They have been sent to the physic ward and rehabilitation centers. They would ask for the Board to look at the evidence they have provided along with their medical history from the Department of Veterans Affairs (VA).

c. **Board Type and Decision:** In a records review conducted on 09 March 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, and the circumstances surrounding the discharge (PTSD diagnoses). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions). 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) / Army Regulation 635-200, Paragraph 14-12c / JKQ / RE-4 / Under Other Than Honorable Conditions

b. **Date of Discharge:** 4 October 2019

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 15 July 2019

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

- on 19 April 2019, arrested for Driving under the Influence of Alcohol
- on 22 June 2019, arrested for Driving under the Influence of Alcohol Causing Injury, damaging public property and driving with a Suspended Driver's License
- violated a General Order and provided a false official statement

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 16 July 2019

(5) Administrative Separation Board: on 16 July 2019, the applicant waived consideration of their case by an Administrative Separation Board

(6) Separation Decision Date / Characterization: 23 August 2019

4. Service Details:

a. Date / Period of Enlistment Under Review: 31 January 2017 / 3 years, 16 weeks

b. Age at Enlistment / Education / GT Score: 18 / GED / 99

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 2 years, 8 months, 4 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 4856 (Developmental Counseling Form) dated 29 May 2019 reflects the applicant received event-oriented counseling informing them of their restrictions due to serious misconduct. The Key Points of Discussion states the applicant, on 19 April, was pulled over by civilian police. They were given a field sobriety test and blew a blood alcohol content of over 0.08-percent failing the field sobriety test. On 22 April, they failed to report to their place of duty, after multiple attempts to contact them, they finally reported to work that day, clearly and admittedly intoxicated. In addition to all this the applicant is underage and under the provisions of Article 34 of the Uniform Code of Military Justice (UCMJ), it is unlawful for any Soldier under the age of 21 to purchase, possess, provide or consume alcoholic beverages. The applicant agreed with the information, provide no remarks and signed the counseling form.

(2) A memorandum, Headquarters, National Training Center and Fort Irwin, subject: General Officer Memorandum of Reprimand (GOMOR), dated 31 May 2019, reflects the

applicant was reprimanded in writing for driving under the influence of alcohol, driving at an unsafe speed, rear-ending another car, and underage drinking. The commanding general states, when the police asked the applicant for proof of insurance, they were unable to produce any. Because they showed signs of intoxication, the police officer conducted a breath test. The breath test revealed the applicant's blood alcohol concentration to be 0.208-percent. At the time of the accident, the applicant was under the age of 21 and therefore, not legally permitted to consume alcohol.

(3) A DA Form 4856 (Developmental Counseling Form) dated 24 June 2019 reflects the applicant received event-oriented counseling for DUI Causing Bodily Injury, Underage Drinking, and Failure to Obey Lawful Order. The Key Points of Discussion states, on 22 June the applicant was arrested under suspicion of driving under the influence of alcohol. After a serious collision with another driver and after multiple sobriety tests, it was determined they were intoxicated despite their refusal to consent to a breathalyzer test. In addition, the applicant is not of legal age to consume alcohol and under the provision of Article 134, UCMJ, it is unlawful for any Soldier under the age of 21 and will not be tolerated. The applicant agreed with the information, provide no remarks and signed the counseling form.

(4) A memorandum, Kilo Troop, 2nd Squadron, 11th Armored Cavalry Regiment, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, the applicant's company commander notified them of their intent to separate them under the provisions of Army Regulation 635-200, paragraph 14-12c, for misconduct described above in paragraph 3c(2). The company commander recommended the applicant's characterization of service as Under Other Than Honorable Conditions. On 15 July 2019, the applicant acknowledged the basis for the separation and of the rights available to them.

(5) On 16 July 2019, the applicant completed their election of rights signing they have been advised by their consulting counsel of the basis for the contemplated action to separate them for 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 elected to waive consideration of their case by an Administrative Separation Board, elected to not submit statements in their own behalf and requested consulting counsel. They understand they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) discharge is issued to them. They further understand that a result of issuance of a discharge Under Other Than Honorable Conditions, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They acknowledged they have not filed an unrestricted report of sexual assault within 24 months of initiation of the separation action.

(6) A memorandum, Kilo Troop, 2nd Squadron, 11th Armored Cavalry Regiment, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The company commander stated the applicant has not filed an unrestricted report of sexual assault within 24 months of this separation action. The separation does not involve a medical condition that is related to a sexual assault, to include PTSD. The separation is in the best interest of both the Army and the applicant.

(7) Two memorandums, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, reflects the applicant's battalion and brigade commander's recommendations to separate the applicant prior to their expiration term of service. They recommended the applicant's service be characterized as Under Other Than Honorable Conditions. Both commanders state the applicant has not filed an unrestricted report of sexual assault within 24 months of initiation of this separation action.

(8) A memorandum, Headquarters, National Training Center and Fort Irwin, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 23 August 2019, reflects the separation authority reviewed the separation packet of the applicant. After careful consideration of all matter, they directed the applicant be separated from the Army prior to the expiration of their current term of service and directed the applicant's service be characterized as Under Other Than Honorable Conditions. After reviewing the rehabilitative transfer requirement, the commanding general determined the requirements are waived, as the transfer will serve no useful purpose or produce a quality Soldier. They state the applicant has not filed an unrestricted report of sexual assault within 24 months of initiation of this separation action.

(9) A DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant was discharged from the U.S. Army on 4 October 2019, with 2 years, 8 months, and 4 days of net active service this period and shows in:

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 29 August 2019
- item 18 (Remarks) – MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – Under Other Than Honorable Conditions
- item 26 (Separation Code) – JKQ
- item 27 (Reentry Code) – RE-4
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)

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:

- Two DD Forms 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- two photographs

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. 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), 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.

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 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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

- 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
- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted
- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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. 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.

(c) An under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain

circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(2) Chapter 14 (Separation for Misconduct) 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 (Commission of a Service Offense), 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.

h. 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).

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. A review of the available evidence provides, the applicant received a GOMOR for driving under the influence of alcohol, driving at an unsafe speed, rear-ending another car and underage drink, received developmental counseling for a second driving under the influence causing bodily injury, underage drinking and failure to obey lawful order, waived consideration of their case by an Administrative Separation Board and was involuntarily discharged from the U.S. Army. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of Under Other Than Honorable Conditions. The applicant completed 2 years, 8 months, and 4 days of net active service this period and did not complete their first full term of service of their 3-year, 16-week enlistment agreement.

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. Characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate. An honorable characterization of service is generally required when the Government initially introduces limited-use evidence.

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 DOW 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 and MST [Note-diagnoses of other recurrent depressive disorders and major depressive disorder, single episode are subsumed under diagnosis of PTSD.].

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant self-asserts that PTSD and MST occurred during active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board applied liberal consideration and opined that the applicant has a condition (PTSD) and experience (MST) which medically mitigates some of their misconduct. As there is an association between PTSD, MST and self-medication with alcohol, there is a nexus between these diagnoses and the two arrests for DUI. However, PTSD and MST do not mitigate damaging property, driving with a suspended license, violating a general order, or providing a false official statement because they do not affect one's ability to distinguish right from wrong and act in accordance with the right.

(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 PTSD due to MST did not outweigh damaging property, driving with a suspended license, violating a general order, or providing a false official statement.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends they developed an alcohol problem in the military. Throughout their military career their alcohol problem increased as each year they were in. They feel the Army gave them depression, anxiety, and other mental health problems that resulted in them to revert to using alcohol as a self-medication.

(2) The applicant contends they have been diagnosed with depression, PTSD, severe anxiety and a few other mental health disorders since their discharge. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's DUI offenses. Therefore, a discharge upgrade is warranted.

(3) The applicant contends they served for three years, and they had six months left on their contract. They received an Army Achievement Award for their outstanding physical training score. They worked hard daily, and they were promoted faster than any of their peers. It can be seen the only problem they had during their service was caused due to alcohol related incidents. The Board considered the applicant's length and quality of service during deliberations.

(4) The applicant contends they feel their discharge is inadequate due to undiagnosed PTSD cause by Military Sexual Trauma. They were sexually assaulted in the military and humiliated by the pictures there was sent around the military base. They were laughed at, made fun of, and felt so uncomfortable around any of their peers. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's DUI offenses. Therefore, a discharge upgrade is warranted.

d. The Board determined the applicant's discharge was inequitable because their misconduct was partially mitigated by severe Behavioral Health (BH) conditions. The Board's Medical Advisor applied liberal consideration and opined that the applicant has a condition (PTSD) and experienced (MST) which medically mitigates self-medication with alcohol, and there is a nexus between these diagnoses and their two arrests for DUI. However, PTSD and MST do not mitigate damaging property, driving with a suspended license, violating a general order, or providing a false official statement because they do not affect one's ability to distinguish right from wrong and act in accordance with the right. The Board weighed the remaining misconduct against the applicant's record, including length and quality of service. Applying liberal consideration, the Board granted relief, upgrading the discharge to General (Under Honorable Conditions).

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 General (Under Honorable Conditions) because the applicant's Post Traumatic Stress Disorder outweighed the applicant's misconduct of two DUIs. Thus, the prior characterization is no longer appropriate. The applicant's unmitigated misconduct fell below that level of meritorious service warranted for an upgrade to Honorable.

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

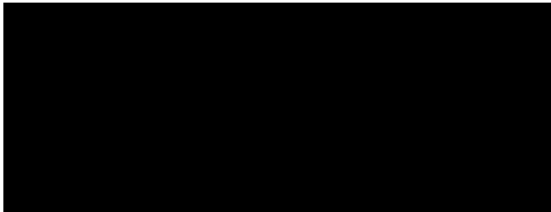
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. Board Action Directed:

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

Authenticating Official:

3/11/2026



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