

1. Applicant's Name: [REDACTED]**a. Application Date:** 3 February 2021**b. Date Received:** 3 February 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 an upgrade to Honorable, a narrative reason change, their reenry code changed and be considered for a medical retirement.

b. The applicant seeks relief contending, they were discharged for an alcohol-related incident and was never given a full opportunity to try and correct the action or to have received the mental health help they needed. The applicant used alcohol as a coping mechanism to forget about friends and Soldiers who were hurt or killed. They could never fully cope or handle the aftermath of their deployments, which resulted in drinking. They chose to get out with the General discharge to get the mental health help they needed as the Army, or their leadership were not supportive in this. Since being out, they have continued to struggle. The applicant has watched their friends commit suicide. Recently [at the time of submission], their old battalion commander (the one who separated them) took their own life. The Army found an easy way out by discharging people instead of helping them to cope. A self-authored statement provides detailed facts and circumstances surrounding

c. Board Type and Decision: On 11 June 2025, following a unanimous 5-0 vote during a records review, the Board determined that the applicant's discharge was inequitable, concluding that the applicant's documented behavioral health conditions including Alcohol Abuse, Nightmare Disorder, and Other Behavioral Health (OBH) issues outweighed the misconduct that led to separation, which included drunk and disorderly conduct, multiple counts of assault, threats, resisting arrest, and behavior prejudicial to good order and discipline. As a result, the Board granted relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, paragraph 14-12a, revising the narrative reason for separation to Misconduct (Minor Infractions), and assigning a new separation code of JKN. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names 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: 6 October 2011**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 15 March 2011

(2) Basis for Separation: On 1 October 2010, the applicant was found drunk and disorderly (Article 134, UCMJ); had seven specifications of assault (Article 128); three specifications of wrongfully communicating a threat (Article 134); for resisting arrest in violation

(Article 95); and conduct being prejudicial to good order and disciplined, in violation of (Article 134).

(3) Recommended Characterization: Honorable

(4) Legal Consultation Date: On 10 August 2011, the applicant waived counsel.

(5) Administrative Separation Board: On 10 August 2011, they conditionally waived their right to appear before an administrative separation board contingent upon their having received a characterization of service no less favorable than a General (Under Honorable Conditions).

(6) Separation Decision Date / Characterization: 8 September 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 14 November 2009 / 6 years (fourth reenlistment)

b. Age at Enlistment / Education / GT Score: 25 / High School Diploma / 113

c. Highest Grade Achieved / MOS / Total Service: E-6 (SSG) / 11B20 Infantryman / 7 years, 11 months, 2 days

d. Prior Service / Characterizations: Army National Guard (ARNG), 28 February 2002 – 3 November 2003 / Honorable

- Regular Army (RA), 4 November 2003 – 18 August 2005 / Honorable
- RA, 19 August 2005 – 22 December 2006 / Honorable
- RA 23 December 2006 – 6 January 2009 / Honorable

e. Overseas Service / Combat Service: 4 years, 3 months, 6 days

(1) Germany / None / 17 November 2003 – 28 November 2005 (2 years, 12 days); SWA / Afghanistan, 2 September – 17 December 2004 (3 months, 16 days); concurrent service

(2) SWA / Iraq, 17 August 2006 – 31 October 2007 (1 year, 2 months, 15 days)

(3) SWA / Afghanistan, 29 May 2009 – 8 June 2010 (1 year, 10 days)

f. Awards and Decorations:

- Bronze Star Medal w/ Valor Device
- Army Commendation Medal (Third Award)
- Army Achievement Medal
- Meritorious Unit Commendation
- Valorous Unit Award
- Army Good Conduct Medal (Second Award)
- National Defense Service Medal
- Afghanistan Campaign Medal with Two Campaign Stars
- Global War on Terrorism Expeditionary Service Medal
- Iraq Campaign Medal with Campaign Star (Second Award)
- Noncommissioned Officer Professional Development Ribbon (Second Award)

- Army Service Ribbon
- Overseas Service Ribbon (Third Award)
- NATO Medal (Second Award)
- Combat Infantryman Badge
- Expert Infantryman Badge
- Parachutist Badge

g. Performance Ratings: Staff Sergeant (SSG), 26 July – December 2010 / Relief for Cause

h. Disciplinary Action(s) / Evidentiary Record: On 3 December 2010, the applicant accepted nonjudicial punishment in violation of Article 134, UCMJ, on 1 October 2010, for having been drunk and disorderly; six specifications of assault in violation of Article 128, UCMJ (assault); three specifications for having wrongfully communicated a threat. They did not appeal, and the punishment imposed a reduction to sergeant, SGT (E-5); forfeiture of \$1380 pay per month for two months, suspended to be automatically remitted if not vacated before 1 June 2011; extra duty for 45 days; restriction for 45 days, suspended, if not vacated before 1 June 2011.

(1) On 15 March 2011, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14-12c, Misconduct (Serious Offense), for the abovementioned offenses and recommended an Honorable, with the battalion and brigade commanders endorsed a General (Under Honorable Conditions) characterization of service. The applicant acknowledged receipt of their separation notice and on 10 August 2011, they conditionally waived their right to appear before an administrative separation board contingent upon their having received a characterization of service no less favorable than a General (Under Honorable Conditions). Moreover, the applicant waived the right to consult with counsel and elected to provide a self-authored statement on their behalf.

(2) On 8 September 2011, the separation approval authority approved the conditional waiver and on 29 September 2011, their separation orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant was discharged on 6 October 2011, with 9 years, 7 months, and 9 days of total service. They provided an electronic signature and has completed their first full term of service.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): Posttraumatic Stress Disorder (PTSD), Traumatic Brain Injury

(1) Applicant provided: A Veterans Affairs Summary of Benefits Letter, dated 29 September 2021, provides the applicant has been rated 90% service-connected disability for the above listed diagnoses.

(2) AMHRR Listed: The Army Substance Abuse Program (ASAP) Enrollment, dated 13 October 2010, provides the applicant was medically referred (never command referred) for physical signs of flushed face and hangovers on the job; for personality changes of irritability, increased defensiveness, increased use of excuses, and intolerant of co-workers or subordinates. The first sergeant recommended to the ASAP counselor for the applicant to receive alcohol/drug education and rehabilitation, in which the company commander concurred with.

(a) A Report of Behavioral Health Evaluation, dated 21 December 2010, provides a diagnosis of Alcohol Abuse (per ASAP) and adjustment disorder, with Disturbance of Emotions and Conduct; the applicant met retention standards (AR 40-501) and was psychiatrically cleared for administrative proceedings.

(b) On 28 February 2011, the brigade psychologist provided a summary of the applicant's therapy since their alcohol-related incident (October 2010). They completed a course of treatment through ASAP, in addition to voluntarily attending an off-post support group to address their Alcohol Abuse. The applicant had been sobered for over five months now and appeared committed to maintaining this lifestyle change. Additionally for their psychological symptoms, they were participating in therapy off-post for individual treatment (10 sessions total) and marital therapy (5 sessions). The applicant attended a chapter evaluation and four sessions of case management in the past three months and the PsyD had been impressed with the applicant's progress at each of their sessions. They had demonstrated a high level of dedication to their recovery and their improved mental health is a reflection of that commitment.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Self-Authored Statement; Spouse's Support Letter; Sworn Statement; Character Letter; VA Summary of Benefits Letter and Rating Decision

a. The spouse contends, dealing with all the challenges of the applicant's back-to-back deployments, as well as suffering from their personal distress from their last deployment became too much for the applicant to bear. The applicant deserves more because they sacrificed and went through so much. They were let down by leaders who should have been looking out for them. The incident in October 2010, was a direct result of their having PTSD and had the applicant been given the opportunity to undergo a medical and mental health evaluation upon their return from their last deployment, the applicant would have been medically retired. Given all of the evidence, it is clear that they should receive a discharge upgrade.

b. The applicant's former leadership contends, roughly 25% of the Soldiers that originally deployed with them became injured or were killed by the end of that yearlong deployment. The entire experience was horrific and several Soldiers from their company had since committed suicide. The applicant was a good squad leader, and their experience, toughness, commitment, and candor were appreciated. The applicant personally witnessed the injury of three Soldiers and the death of three Soldiers. The applicant reported later, they were diagnosed with TBI and post-concussion syndrome from the force of the nearby IED (Improvised Explosive Device) blast. Like all of the Soldiers, the applicant was never permitted the time and space to grieve during deployment whenever friends were injured or killed.

(1) Like all of them, the applicant had to, like nuclear waste, find a deep, dark emotional mineshaft, and pour these natural but now toxic emotions into rickety, self-made barrels, and cast them into the depths below, hoping the hole was deep enough, the barrels strong enough, until they were allowed to deal with it later. The applicant would have never become dependent on alcohol, leading to a spiral of negative consequences, had they never been deployed to commit acts of political violence during America's War on Terror, or had the chain of command taken a permissive and reasonable attitude towards those seeking mental health services.

(2) It is unjust to send American Soldiers to a war unmoored from the protection of America's national territory-the reason many Soldiers enlisted in the first place-stigmatize mental health services when they predictably receive psychological traumas from that experience, and then dole out severe punishment when those same, untreated psychological traumas manifest themselves in undesirable ways, back in the United States. The fact that the applicant felt they had no outlet other than alcohol and brawling to release the raw energy from

their war trauma, is not only an indictment of their unit's command, but also an indictment of American society that sent people like the applicant to war, year-after-year, knowing that their efforts were not contributing to any form of objective "progress"-either for American citizens or the Afghan people.

(3) Since returning home, the applicant has successfully begun the healing process and reintegrated themselves into society, has been gainfully employed, volunteers in their community and no longer drinks alcohol and has been able to cope with everything better. The applicant's record of character-both in service and now, afterwards-as well as the mitigating circumstances surrounding the unit's stigma towards those seeking mental health services provides sufficient cause to reconsider the condition of the applicant's discharge from the Army.

6. POST SERVICE ACCOMPLISHMENTS: They are rated 90% service-connected through the VA. They have given up drinking and found other ways to cope with everything that has happened. The applicant earned their Bachelor of Science in Environmental Science and currently works as an Environmental Waste Manager, subcontracted with the Department of Energy (DOE). They additionally coaches' youth football and volunteer at their church. They are a better person and their actions since getting out shows that.

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), 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.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 3 provides 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.

(a) 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.

(b) 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 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. 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.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14-12C, Misconduct (Serious Offense).

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per 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.

g. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army

Regulation 635-200.

(1) Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement. ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

(2) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(3) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

h. Manual for Courts-Martial (2008 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 134 (drunk and disorderly) states in the subparagraph, the maximum punishment consists of a forfeiture of two-thirds pay and allowances for six months and confinement for six months.

i. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered, medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

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 an upgrade to Honorable, a narrative reason change, their reentry code changed and be considered for a medical retirement. The applicant's Army Military Human

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

b. The available evidence provides the applicant completed their fourth reenlistment with 6 years of active service, promoted to SSG, and deployed for a third time to Afghanistan for one year (2009-2010). In previous periods of service, they were stationed in Germany for two years (2003-2005) and went on an almost four-month deployment concurrently, in 2004. Moreover, they deployed to Iraq for nearly 15 months between 2006-2007.

(1) Two months post redeployment (October 2010), the applicant was charged with commission of a serious offense for being drunk and disorderly (Article 134, UCMJ); had seven specifications of assault (Article 128); three specifications of wrongfully communicating a threat (Article 134); for resisting arrest in violation (Article 95); and conduct being prejudicial to good order and disciplined, in violation of (Article 134). They subsequently received NJP and was demoted to SGT. The company commander-initiated separation proceedings under the provisions of AR 635-200, Chapter 14-12C, Misconduct (Serious Offense), with an Honorable; however, the battalion and brigade recommended a General (Under Honorable Conditions) characterization of service. They conditionally waived their right to appear before an administrative separation board contingent upon having received a characterization of service no less favorable than a General (Under Honorable Conditions), in which the separation authority approved. They served 1 year, 10 months, and 23 days of their 6-year contractual obligation.

(2) They were enrolled in ASAP for Alcohol Abuse and Adjustment Disorder, with Disturbance of Emotions and Conduct, for education only as the command did not recommend treatment; they were medically referred for physical signs of flushed face and hangovers on the job; for personality changes of irritability, increased defensiveness, increased use of excuses, and intolerant of co-workers or subordinates. The applicant met retention standards (AR 40-501) and was psychiatrically cleared for administrative proceedings. The brigade psychologist provided they completed a course of treatment through ASAP, in addition to voluntarily attending an off-post support group to address their Alcohol Abuse. The applicant had been sobered for over five months now and appeared committed to maintaining this lifestyle change. Additionally for their psychological symptoms, they were participating in therapy off-post for individual treatment (10 sessions total) and marital therapy (5 sessions). The applicant attended a chapter evaluation and four sessions of case management in the past three months and the PsyD had been impressed with their progress, as they had demonstrated a high level of dedication to their recovery and their improved mental health is a reflection of that commitment. The applicant has been rated 90% service-connected disability for PTSD and TBI.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

d. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **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: In-service Adjustment Disorder with Disturbance of Emotions and Conduct, Alcohol Abuse, Anxiety Disorder and Nightmare Disorder. Post-service, PTSD and acknowledged TBI although not an active diagnosis or condition.

(2) Did the condition exist or experience occur during military service? **Yes.** In-service Adjustment Disorder with Disturbance of Emotions and Conduct, Alcohol Abuse, Anxiety Disorder and Nightmare Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given trauma occurred prior to the misconduct and nexus between trauma and substance use, substance related behavior is mitigated. However, the Board can consider the seriousness or totality of the event/s.

(4) Does the condition or experience outweigh the discharge? **Yes.** After thoroughly reviewing the evidence, including the opinion of the Board Medical Advisor, the Board concluded that the applicant's in-service factors (length, combat, quality), Alcohol Abuse, Nightmare Disorder, and other behavioral health conditions outweighed the severity of the misconduct that led to separation. This misconduct included drunk and disorderly conduct, multiple assaults, threats, resisting arrest, and actions detrimental to good order and discipline. Post-service, the applicant is service connected for PTSD.

b. Prior Decisions Cited: AR20120004063

c. Response to Contention(s): The applicant seeks relief contending, they were discharged for an alcohol-related incident and was never given a full opportunity to try and correct the action or to have received the mental health help they needed. The Army found an easy way out by discharging people instead of helping them to cope. The Board carefully considered the applicant's claim that they were discharged due to an alcohol-related incident without being given a fair opportunity to address the behavior or receive necessary mental health support, and that the Army chose discharge as a convenient solution rather than offering assistance. Upon reviewing the official records, the Board found no evidence of procedural error, inequity, or arbitrary or capricious action by the Command, and the applicant did not provide documentation sufficient to rebut the presumption of regularity in the discharge process. Nevertheless, the Board determined that relief was warranted based on other mitigating factors, as outlined in paragraph 9a (1–4) of this document.

d. The Board found the applicant's discharge to be inequitable, concluding that documented behavioral health conditions Alcohol Abuse, Nightmare Disorder, and Other Behavioral Health (OBH) issues, along with in-service mitigating factors such as length of service, combat experience, and overall service quality, outweighed the misconduct that led to separation, which included drunk and disorderly conduct, multiple assaults, threats, resisting arrest, and behavior prejudicial to good order and discipline. Given the applicant's post-service diagnosis of PTSD service connection, the Board determined that the original characterization was no longer

appropriate. Accordingly, the Board granted relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, paragraph 14-12a, revising the narrative reason for separation to Misconduct (Minor Infractions), and assigning a new separation code of JKN, while electing not to upgrade the RE code, finding it both proper and equitable.

e. Rationale for Decision:

(1) The Board voted to upgrade the applicant's characterization of service to Honorable, finding that the applicant's in-service Alcohol Abuse, Nightmare Disorder, and Other Behavioral Health (OBH) conditions, along with mitigating factors such as length and quality of service and combat experience lessened the severity of the misconduct that led to separation. Although it presents as an abundance of charges, the Board conceptualized it as one night of being drunk that turned bad with no real threat to life. Given the mitigation for substance related behavior via PTSD, combat deployments, and significant award and decorations, this being his 4th re-enlistment (length), the Board concurred that an upgrade was warranted. The Board recognized that the misconduct was preceded by trauma and closely linked to substance use as a coping mechanism. Additionally, the applicant is now service connected for PTSD, further supporting the conclusion that the original discharge characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

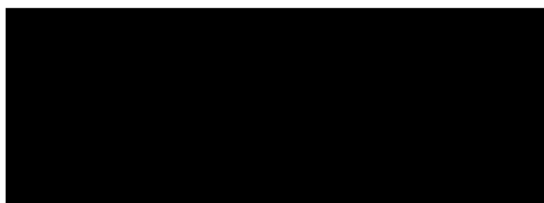
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200, paragraph 14-12a**

Authenticating Official:

2/3/2026



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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220000943

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury

UNC – Uncharacterized
Discharge

UOTHC – Under Other Than
Honorable Conditions

VA – Department of Veterans
Affairs