

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 29 July 2021
- b. **Date Received:** 18 October 2021
- c. **Counsel:** None

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

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

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, to having a diagnosis of post-traumatic stress disorder (PTSD) while on active duty. The applicant's therapist referred the applicant for a medical evaluation board (MEB), and the chain of command did not give the applicant a board. The applicant is 100 percent service-connected disabled for PTSD. The applicant's three tours in Iraq and the applicant's underlying medical condition entitle the applicant to an upgrade.

c. **Board Type and Decision:** In a records review conducted on 4 September 2025, and by a 5-0 vote, the Board determined the discharge was inequitable. It granted relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, paragraph 14-12a, and revising the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board also determined that the RE Code was proper and equitable and voted to leave it unchanged.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / AR 635-200, Paragraph 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 22 July 2011

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

- (1) **Date of Notification of Intent to Separate:** NIF
- (2) **Basis for Separation:** NIF
- (3) **Recommended Characterization:** NIF
- (4) **Legal Consultation Date:** NIF
- (5) **Administrative Separation Board:** NIF
- (6) **Separation Decision Date / Characterization:** NIF

4. SERVICE DETAILS:

a. **Date / Period of Reenlistment Under Review:** 2 October 2008 / 4 years

b. Age at Enlistment / Education / GT Score: 36 / GED / 120

c. Highest Grade Achieved / MOS / Total Service: E-6 / 92G30, Food Service Operation / 16 years

d. Prior Service / Characterizations: RA, 12 November 1993 – 11 November 1996 / HD
 USARCG, 12 November 1996 – 18 September 2000 / NA
 USAR, 19 September 2000 – 7 June 2001 / NA
 USARCG, 8 June 2001 – 13 November 2001 / HD
 (Break in Service)
 RA, 24 July 2003 – 14 July 2006 / HD
 RA, 15 July 2006 – 1 October 2008 / HD

e. Overseas Service / Combat Service: Korea, SWA / Iraq (15 September 2003 – 15 March 2004, 15 January 2006 – 15 November 2006, 6 December 2007 – 9 February 2009)

f. Awards and Decorations: ARCOM-3, AAM-5, MUC, AGCM-3, NDSM, GWOTSM, ICM-CS, ASR, OSR

g. Performance Ratings: 1 October 2008 – 30 September 2009 / Successful
 1 October 2009 – 30 September 2010 / Successful

h. Disciplinary Action(s) / Evidentiary Record:

(1) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 23 June 2009, indicates the applicant was found as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of the applicant's duties, and physically controlling a passenger car, while the alcohol concentration in the applicant's breath exceeded .05 grams of alcohol per 210 liters of breath. The imposed punishment included a reduction to E-5, forfeiture of \$1,335 pay per month for two months (suspended), 45 days of extra duty, and 45 days restriction (suspended).

(2) Orders 199-0001, 18 July 2011, indicate the applicant was reassigned to the U.S. Army Transition Point and scheduled for discharge from the Regular Army on 22 July 2011.

(3) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) indicates the applicant had completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 14-12c, with a narrative reason of Misconduct (Serious Offense). The DD Form 214 was authenticated with the applicant's electronic signature.

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:

(a) Chronological Record of Medical Care, from 6 April 2010 to 3 June 2011, reflects medical diagnoses / assessments: PTSD, alcohol dependence, bipolar disorder, and anxiety disorder, not otherwise specified (NOS). The applicant scored 60 on the PCL indicative of moderate to severe PTSD. The physician believed the diagnosis caused the applicant to fall below retention standards and the applicant should have been referred for an MEB evaluation.

(b) Parkview Medical Center, Pueblo, Colorado, Discharge Summary, 7 June 2010, reflecting diagnoses: alcohol withdrawal, alcohol dependence, PTSD, significant, and obsessive compulsive personality disorder.

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Chronological Record of Medical Care; Parkview Medical Center Discharge Summary; Army Review Boards Agency letter.

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

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

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

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

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

in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

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

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

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

e. Army Regulation 15-180 (Army Discharge Review Board), 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 waiverable and nonwaiverable 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 waiverable. Eligibility: Ineligible unless a waiver is granted.

g. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Paragraph 1-34 (previously 1-33) provides Soldiers undergoing administrative separation under chapter 14 are eligible for referral to and completion of the medical evaluation board (MEB) phase of disability evaluation system (DES). If an MEB refers a case to a PEB under the provisions of AR 635-40, the medical treatment facility commander will furnish copies of the approved MEB proceedings to the Soldier's general court-martial convening authority (GCMCA) and unit commander. The GCMCA may direct in writing the Soldier be processed through the physical disability system when action under the UCMJ has not been initiated, and one of the following has been determined: the Soldier's medical condition was the direct or substantial contributing cause of the conduct that led to the recommendation for administrative elimination or other circumstances of the individual case warrant disability processing instead of further processing for administrative separation. The authority of the GCMCA to determine whether a case is to be processed through medical disability channels or under administrative separation provisions will not be delegated.

(2) Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

(a) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) 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.

(c) 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.

(3) 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) Paragraph 14-3, prescribes 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.

(b) Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(4) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as

announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE-1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

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, 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. The applicant's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR does include a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of general (under honorable conditions).

c. The applicant contends being diagnosed with PTSD and being rated 100 percent service-connected disabled for PTSD. The applicant provided medical documents reflecting diagnoses / assessments of medical conditions: alcohol withdrawal, alcohol dependence, PTSD, significant, obsessive-compulsive personality disorder, bipolar disorder, and anxiety disorder, not otherwise specified (NOS). The applicant did not submit any evidence other than the applicant's statement the applicant was rated 100 percent disabled for PTSD.

d. The applicant contends good service, including a three combat tours. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

e. The applicant contends medical evaluation board processing was ongoing during separation proceedings. Department of Defense disability regulations allow disciplinary separation while a medical board process is underway. Regulations establish misconduct-based separations as taking precedence over potential separations for other reasons. When a member undergoes Physical Evaluation Board processing and faces involuntary administrative separation or court-martial for misconduct, the disability evaluation is suspended. The Physical Evaluation Board case remains on hold until non-disability proceedings conclude. If the outcome includes a punitive or administrative discharge for misconduct, the medical process ceases, and the board report is filed in the member's medical record.

9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: PTSD, Anxiety Disorder NOS, Depression, Bipolar II Disorder, Cyclothymic Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: PTSD, Anxiety Disorder NOS, Depression, Bipolar II Disorder, Cyclothymic 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 there is evidence of multiple mitigating BH conditions. The applicant was diagnosed in service with PTSD, Anxiety Disorder NOS, Depression, Bipolar II Disorder, and Cyclothymic Disorder, and the VA has service connected the PTSD. Given the nexus between PTSD, Anxiety Disorder NOS, Depression, Bipolar II Disorder, Cyclothymic Disorder, and using substances for self-medication, the DUIs, being intoxicated on duty, alcohol abuse, and ASAP failure that led to the separation are mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After liberally considering all evidence, including the nexus between the applicant's behavioral health conditions and the misconduct, the ADRB determined that the conditions and experiences did mitigate the basis for separation. Relief was granted in recognition of the applicant's diagnosed service-connected PTSD and related conditions, which contributed to the misconduct leading to discharge.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends being diagnosed with PTSD and being rated 100 percent service-connected disabled for PTSD. The Board considered this contention and acknowledged the applicant's in-service diagnosis of PTSD and the VA's service connection, which supported mitigation of the misconduct.

(2) The applicant contends good service, including a three combat tours. The Board considered this contention and gave weight to the applicant's three combat tours and overall service record in accordance with DODI 1332.28.

(3) The applicant contends medical evaluation board processing was ongoing during separation proceedings. The Board considered this contention and noted that while medical board processing was underway, regulations permit disciplinary separation to proceed and take precedence over disability evaluation.

d. The Board determined that the applicant's discharge was inequitable in light of documented behavioral health conditions, including service-connected PTSD. Applying liberal consideration, the Board voted to grant relief by upgrading the characterization of service to

Honorable, changing the separation authority to AR 635-200, Chapter 14-12a, and revising the narrative reason for separation to Misconduct (Minor Infraction) with a corresponding separation code of JKN. The Board further determined that the existing RE code remains proper and equitable given the applicant's behavioral health diagnoses. However, the applicant may request a personal appearance hearing to address further issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to upgrade the applicant's characterization of service to Honorable after applying liberal consideration to all evidence, including the VA confirmed diagnosis of PTSD and other in-service behavioral health conditions, which were found to mitigate the offenses of DUI, intoxication on duty, alcohol abuse, and ASAP failure that led to separation.

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

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

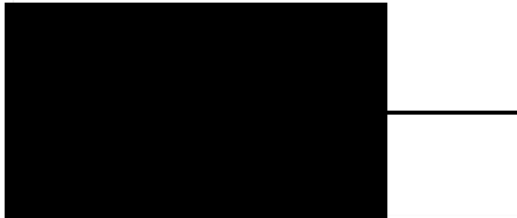
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10. BOARD ACTION DIRECTED:

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

Authenticating Official:

9/16/2025



Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15
FTR – Failure to Report

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active-Duty
Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs