

**1. Applicant's Name:** [REDACTED]

a. **Application Date:** 10 October 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 have had PTSD, which was undiagnosed until after separation. The VA has been providing medication and treatment to the applicant for anxiety and insomnia since April 2015.

c. **Board Type and Decision:** In a records review conducted on 9 February 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, as well as combat service, outweighing the alcohol rehabilitation failure. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. 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:** Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

b. **Date of Discharge:** 24 December 2008

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 9 December 2008

(2) **Basis for Separation:** The applicant was informed of the following reason: The applicant failed the Army Substance Abuse Program (ASAP).

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

(4) **Legal Consultation Date:** On 9 December 2008, the applicant waived legal counsel.

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** 12 December 2008 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

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**AR20220001040**

**a. Date / Period of Enlistment:** 30 December 2004 / 3 years, 19 weeks / The AMHRR is void of any enlistment contract retaining the applicant on active duty after the most recent enlistment period.

**b. Age at Enlistment / Education / GT Score:** 35 / Master's Degree / 133

**c. Highest Grade Achieved / MOS / Total Service:** E-5 / 13B2O, Cannon Crewmember / 3 years, 11 months, 25 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA / Iraq (28 November 2005 – 1 November 2006)

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

**g. Performance Ratings:** 1 July 2007 – 29 April 2008 / Successful

**h. Disciplinary Action(s) / Evidentiary Record:**

(1) Company Grade Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ), 20 August 2008, for disobeying Policy Memorandum Number 6, Alcohol Policy, by wrongfully possessing and consuming alcohol while in the Warrior Transition Unit Barracks (10 August 2008). The punishment consisted of a forfeiture of \$500 pay per month one month (suspended), and extra duty and restriction for 14 days.

(2) Field Grade Record of Proceedings under Article 15, UCMJ, 14 November 2008, for being drunk on duty (3 October 2008) and as a result of wrongful previous overindulgence in intoxicating liquor the applicant was incapacitated for the proper performance of duties (17 October 2008). The punishment consisted of a reduction to E-4, forfeiture of \$974 pay per month for two months (suspended), and extra duty and restriction for 45 days.

(3) State of Colorado Evidential Breath Alcohol Test, 24 November 2008, reflects the applicant was administered a breath test resulting in a .188 BAC.

(4) Two Developmental Counseling Forms, for having alcohol in the barracks and being informed of pending involuntary separation.

**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:** The applicant provided a photo of two prescribed medications, one of the medications were prescribed for sleep.

(2) **AMHRR provided:**

(a) Chronological Record of Medical Care, 8 October 2008, reflects a handwritten note referring to the applicant as a functional alcoholic.

(b) Memorandum, subject Rehabilitation Summary for [the applicant], 1 December 2008, reflects on 16 August 2007, the applicant self-referred to the Army Substance Abuse Program (ASAP) for help and tested with a BAC of .191. The ASAP diagnosed the applicant with alcohol dependence and sent the applicant to Cedar Springs Psychiatric Hospital. On 12 August 2008, the unit command referred the applicant to ASAP again after an alcohol-related incident. ASAP recommended treatment and referred the applicant to First Choice Counseling. On 17 October 2008, the applicant returned to ASAP with a BAC of .288 and was sent to Cedar Springs for detox. After being released, ASAP referred the applicant to First Choice Counseling, but the applicant did not want to participate. On 24 November 2008, the unit requested the Military Police administer a BAC test to the applicant, which resulted in a .188 BAC. The ASAP returned the applicant to Cedar Springs for detox. The clinician noted the applicant was given chances to complete treatment but failed to meet the standards. The applicant met the requirements for Chapter 9 Rehabilitation Failure because of continued drinking and poor progress.

(c) VHA TBI Clinical Reminder form, 2 December 2008, reflects the applicant annotated having sleep problems.

(d) Cedar Springs Behavioral Health System Medication Reconciliation Orders, 2 December 2008, reflects the applicant was prescribed two medications for insomnia.

(e) Report of Medical History, 9 December 2008, reflects the examining medical physician noted in the comments section the applicant obtained a concussion from playing football; the applicant was treated for insomnia; and was treated at Cedar Springs for acute alcohol intoxication in November 2008; failed outpatient treatment; and was enrolled in ASAP.

(f) Report of Medical Examination, 9 December 2009, reflects the examining medical physician noted in the summary of defects and diagnosis section, among other conditions: alcohol abuse and insomnia.

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; two photos of medication bottles prescribed to the applicant; the Army Review Board 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.

**e.** 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.

**f.** 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.

**g.** 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.

**h.** Army Regulation 600-85 (The Army Substance Abuse Program) Headquarters Department defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes a Soldier's self-referral to BH for SUD treatment.

**i.** 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 their 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.
- 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.

**j.** 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.

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

**(3)** Paragraph 9-4, stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. An honorable discharge is

mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

(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: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

k. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JPD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, for alcohol rehabilitation failure.

**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 evidence of the Army Military Human Resource Record (AMHRR) indicates the commander in consultation with the Chief, ASAP, declared the applicant an ASAP failure. The applicant had reasonable opportunity for rehabilitation and met the criteria for a Chapter 9 rehabilitation failure. The applicant's progress was poor, and prognosis was questionable because of continued alcohol abuse.

c. The applicant's separation packet includes a letter from ASAP, reflecting the applicant self-enrolled in the program. The government introduced this document into the discharge process, revealing the applicant had self-referred to the Army Substance Abuse Program (ASAP) for substance abuse. The document is limited use information defined in AR 600-85. Use of this information mandates an award of an honorable discharge.

d. The applicant contends having PTSD, which was not diagnosed until after separation, and the VA prescribed the applicant medication for anxiety and insomnia. The applicant provided two photos of prescribed medication as evidence to support the contention. The applicant's AMHRR includes no documentation of a PTSD diagnosis. The AMHRR contains documents reflecting the applicant was diagnosed with alcohol dependence and was prescribed medication for insomnia. The ARBA sent a letter to the applicant at the address in the application on 23 March 2022, requesting documentation to support a PTSD diagnosis but received no response from the applicant.

## **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: Adjustment Disorder with depressed mood is a potentially mitigating condition.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found Adjustment Disorder was diagnosed while in the military.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there are no mitigating mental health conditions. While the applicant was diagnosed with Adjustment Disorder while on active duty, this condition does not mitigate his alcohol rehabilitation failure because Adjustment Disorder is a mild, temporary condition which does not result in the long-term maladaptive behavior changes seen in more serious mental health conditions. The applicant contends that PTSD contributed to their alcohol rehab failure. Record review of both military and VA medical records indicates no diagnosis of PTSD or other Trauma/Stressor-Related condition. However, applicant's self-assertion of PTSD alone is sufficient for consideration by the board as per liberal consideration guidelines.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder outweighed the alcohol rehabilitation failure. However, the Board granted an upgrade based on the applicant's length and quality of service, as well as combat service.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends having PTSD, which was not diagnosed until after separation, and the VA prescribed the applicant medication for anxiety and insomnia. The Board considered this contention and noted that the applicant's self-asserted symptoms were reviewed under liberal consideration guidelines. The Board found no medical evidence of a trauma or stressor related diagnosis during or after service but still evaluated the applicant's claim as required.

d. The Board determined the discharge is inequitable based on the applicant's length and quality of service, as well as combat service, outweighing the alcohol rehabilitation failure. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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

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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 because, after applying liberal consideration to all the evidence before it, the applicant's behavioral health diagnosis did not mitigate the alcohol rehabilitation failure, but the applicant's length and quality of service and combat service supported an upgrade.

(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.

**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

**Authenticating Official:**

2/19/2026

**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