

1. Applicant's Name: [REDACTED]**a. Application Date:** 25 December 2021**b. Date Received:** 24 January 2022**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, a narrative reason change, and changes to the separation and reentry codes.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, their leadership falsely misrepresented their character in error to prevent them from receiving a medical discharge while they were undergoing the IDES (Integrated Disability Evaluation System) process. This misrepresentation resulted in the applicant being denied for proper treatment to address their addiction. The applicant acknowledged their mistakes, emphasized the lessons learned, accepted full responsibility for their actions, and has multiple documents demonstrating their attempts at seeking help through the chain of command; however, their requests were disregarded.

Board Type and Decision: In a records review conducted on 07 November 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, the circumstances surrounding the discharge (OBHI diagnoses), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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.

c. . 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) / AR 635-200, Chapter 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 13 April 2020

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 28 February 2020

(2) Basis for Separation: On 24 November 2019, the applicant drove drunk in violation of Article 113, UCMJ and submitted to a breathalyzer test registering a blood alcohol content (BAC) of .118%.

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

(4) Legal Consultation Date: 3 March 2020

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 31 March 2020 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 4 October 2016 / 3 years, 21 weeks

b. Age at Enlistment / Education / GT Score: 20 / High School Diploma / 116

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92G1O Culinary Specialist / 3 years, 6 months, 10 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AGCM, NDSM, ASR, EMB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: A Physical Profile Record, dated 20 November 2019, reflects permanent profiles for shaving, ingrown facial hair, razor bumps (16 October 2019); bilateral knee pain/injury (28 June 2019); and for lower back injury/pain effective the same day.

(1) The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions (FLAG)) on 24 November 2019, for alcohol abuse adverse action (VA) and field-initiated involuntary separation (BA).

(2) On 23 January 2020, the applicant completed a medical examination for separation and was qualified for separation. The provider referenced their health records for a summary of diagnoses and recommended the applicant follow-up with their primary care manager for back pain and other complaints.

(3) A General Officer Memorandum of Reprimand, dated 3 February 2020, provides the applicant was reprimanded for driving an automobile while under the influence of alcohol, in violation of Article 113, UCMJ (drunk or reckless operation of vehicle). On 24 November 2019, Military Police observed the applicant's vehicle make an illegal turn, crossing over double solid lines and a traffic stop was initiated. During the stop, the scent of marijuana was detected and field sobriety tests were given resulting in a BAC of .118%.

(a) In a self-authored rebuttal, undated, the applicant requested consideration for the DUI received and accepted full responsibility for their actions and completed treatment for alcohol misuse, resulting in the charge being reduced to Driving While Ability Impaired. The applicant further addressed Posttraumatic Stress Disorder (PTSD), Depression, Anxiety, and past trauma through counseling and classes, and they remain under medical care for back and knee conditions. They emphasized remorse, personal growth, and a continued commitment to serving honorably while upholding Army Values.

(b) On 7 April 2020, the approving authority directed permanent filing in the applicant's Army Military Human Resource Record (AMHRR).

(4) On 17 March 2020, the commander's report noted the following:

- 2j: [The applicant] did not meet screening criteria for Prime for Life, but did attend SUDCC classes.
- (2o) [The applicant] has never [sought] medical help or command assistance for a dependency on alcohol. During [their] entire tenure under [the company commander's] command, [they have] always been attentive and high functioning during duty hours.
- (2w) [The applicant] has always intended on reenlisting into the medical field but had never met transfer criteria. [The applicant] began claiming injuries that prevented [them] from going to field training exercises. [Their] depression only began to surface when [the applicant] received [their] DUI.
- (2x) [The applicant] has done the bare minimum during [their] tenure in the company. [They] would always "volunteer" for mission, then use a profile to not train, typically the day of the exercise.

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) A Rehabilitation Summary for [The Applicant], dated 24 January 2020, provides the applicant was medically referred to the Substance Use Disorder Clinical Care (SUDCC) on 2 October 2019, where an assessment diagnosed them with Alcohol Use Disorder, Moderate. They enrolled in voluntary outpatient services, which included abstinence requirements, individual counseling, the Prime for Life class, and successfully completing all treatment plan goals.

(b) A Licensed Clinical Social Worker provided a statement in support of the applicant, dated 6 March 2020, which states the applicant was self-referred for behavioral health care in September 2019, engaged honestly in treatment, and accepted responsibility for their actions, despite significant occupational and family challenges. While undergoing a Medical Evaluation Board, the applicant self-reported a DWI charge, admitted fault, and had already engaged with the SUDCC program for self-improvement. The applicant continued to perform their duties reliably, relied on others for transportation after losing driving privileges, and demonstrated dedication uncharacteristic of a Soldier in such circumstances. Their provider emphasized this incident was a mistake rather than a character flaw, noting the applicant has taken steps to ensure it does not reoccur, takes pride military service, and continued to support those around them.

(2) **AMHRR provided:**

(a) A Report of Mental Status Evaluation, dated 16 December 2019, provides the applicant was diagnosed with Adjustment Disorder and was psychiatrically cleared for administrative proceedings with no recommendations listed.

(b) On 31 December 2019, a Medical Evaluation Board Proceedings convened and determined the applicant failed to meet retention standards under AR 40-501 pertinent part, for the following diagnoses: (1,2) Lumbosacral intervertebral disc syndrome with right and left lower extremities, since 2018; (3) Lumbar Spondylosis, since 2018; and (4) Adjustment Disorder with Anxiety and Depressed Mood (VA/DoD Diagnosed) since 2017. The board recommended referral to a Physical Evaluation Board (PEB) and the applicant concurred.

5. APPLICANT-PROVIDED EVIDENCE: ACTS Application for the Review of Discharge; Partial Service Records; Five Character Letters; Rehabilitation Summary Letter

6. POST SERVICE ACCOMPLISHMENTS: None was provided with this application.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

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 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.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

(e) A Dishonorable discharge is the most severe type of discharge and will be given to a Soldier pursuant only to an approved sentence of general or special court-martial. The appellate review must be completed and affirmed sentence ordered duly executed. Behaviors such as fraud, desertion, treason, espionage, sexual Assault, and murder and other actions may be punished with a dishonorable discharge.

(f) An uncharacterized separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. Unless the DCS, G-1, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority. A Soldier is in an entry-level status (ELS) if the Soldier has not completed more than 180 days of creditable continuous active duty prior to the initiation of separation action.

(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. 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.

(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. If Secretarial Authority is granted, it will 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

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 14-12c, Misconduct (Serious Offense).

i. Manual for Courts-Martial (2019 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 113** (drunk or reckless operation of vehicle) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for six months.

j. 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): 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, a narrative reason change, and changes to the separation and reentry codes. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An authenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant was separated under the provisions of AR 635-200, Chapter 14-12c for misconduct (serious offense) with a general (under honorable conditions) characterization of service. In November 2019, the applicant received a DUI and subsequently received a GOMOR which was permanently filed in the AMHRR. The applicant elected to consult with legal and did provide a statement on their behalf. They served 47 days over their 3 year-21 week contractual obligation, due to IDES enrollment.

(2) The applicant requests relief contending, their leadership falsely misrepresented their character in error to prevent them from receiving a medical discharge while they were undergoing the IDES. This misrepresentation resulted in the applicant being denied for proper treatment to address their addiction. The applicant acknowledged their mistakes, emphasized the lessons learned, accepted full responsibility for their actions, and has multiple documents

demonstrating their attempts at seeking help through the chain of command; however, their requests were disregarded.

(a) A Rehabilitation Summary provides the applicant was medically referred to the SUDCC in October 2019, where an assessment diagnosed them with Alcohol Use Disorder, Moderate. They enrolled in voluntary outpatient services, which included abstinence requirements, individual counseling, the Prime for Life class, and successfully completing all treatment plan goals.

(b) Their LCSW, SUDCC provided a statement, indicating the applicant was self-referred for behavioral health care in September 2019, engaged honestly in treatment and accepted responsibility for their actions, despite significant occupational and family challenges. While undergoing a MEB, the applicant self-reported a DWI charge, admitted fault, and had already engaged with the SUDCC program for self-improvement. The applicant continued to perform their duties reliably, relied on others for transportation after losing driving privileges, and demonstrated dedication uncharacteristic of a Soldier in such circumstances. Their provider emphasized this incident was a mistake rather than a character flaw, noting the applicant has taken steps to ensure it does not reoccur, takes pride military service, and continued to support those around them.

(c) A MSE indicated a diagnosis of Adjustment Disorder and psychiatrically cleared them for administrative proceedings with no recommendations listed. A Medical Evaluation Board Proceedings convened and determined the applicant failed to meet retention standards under AR 40-501 pertinent part, for the following diagnoses: (1,2) Lumbosacral intervertebral disc syndrome with right and left lower extremities, since 2018; (3) Lumbar Spondylosis, since 2018; and (4) Adjustment Disorder with Anxiety and Depressed Mood (VA/DoD Diagnosed) since 2017. The board recommended referral to a Physical Evaluation Board (PEB) and the applicant concurred.

b. 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.

c. 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/experiences: the applicant

was diagnosed in service with various Adjustment Disorder and Alcohol Abuse. After discharge, they were diagnosed by the VA with service-connected Major Depressive Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant was diagnosed in service with various Adjustment Disorder and Alcohol Abuse. After his discharge, he was diagnosed by the VA with service-connected Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that there is evidence of a mitigating mental health condition. The applicant was diagnosed while on active service with various Adjustment Disorders and was treated for depressive/anxiety symptoms and alcohol abuse prior to their incident of misconduct. After discharge, they were diagnosed by the VA with service-connected Major Depressive Disorder. Given the nexus between the applicant's in-service mental health symptoms and abuse of alcohol, the applicant's DUI is mitigatable.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's MDD outweighed the applicant's DUI.

b. Prior Decisions Cited: NA – Applies to Personal Appearances only.

c. Response to Contention(s): The applicant requests relief contending, their leadership falsely misrepresented their character in error to prevent them from receiving a medical discharge while they were undergoing the IDES (Integrated Disability Evaluation System) process. This misrepresentation resulted in the applicant being denied for proper treatment to address their addiction. The applicant acknowledged their mistakes, emphasized the lessons learned, accepted full responsibility for their actions, and has multiple documents demonstrating their attempts at seeking help through the chain of command; however, their requests were disregarded. In support of their request, the applicant provided five character letters from former colleagues and leadership who recognized the applicant as a Soldier with strong values, resilience, and integrity who continues to strive for growth, took pride in their military service, and remained an asset to those around. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's MDD outweighing the applicant's DUI offense.

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found sufficient evidence of in-service mitigating factors (Length, Quality) and concurred with the conclusion of the medical advising official that there is evidence of a mitigating mental health condition. The applicant was diagnosed while on active service with various Adjustment Disorders and was treated for depressive/anxiety symptoms and alcohol abuse prior to his incident of misconduct. After his discharge, he was diagnosed by the VA with service-connected Major Depressive Disorder. Given the nexus between the applicant's in-service mental health symptoms and abuse of alcohol, the applicant's DUI is mitigatable. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and warranted an upgrade.

e. Rationale for Decision:

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(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 Honorable because the applicant's MDD outweighed the applicant's DUI offense. Thus, the prior characterization is no longer appropriate.

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

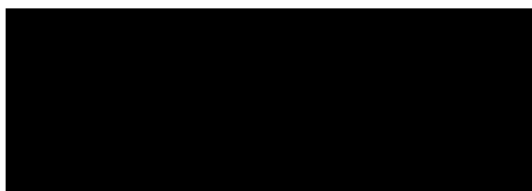
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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: No Change

Authenticating Official:

2/27/2026

**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