

1. Applicant's Name: [REDACTED]

a. **Application Date:** 22 December 2021

b. **Date Received:** 27 December 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 youth and immaturity influenced their behavior at the time of discharge. Post-traumatic stress disorder (PTSD) from domestic violence and substance abuse contributed to the applicant's misconduct. The applicant also contends an upgrade would provide access to educational benefits through the GI Bill. The applicant states post service accomplishments as a licensed insurance agent for ten years and at the time of application was 17 months sober from cocaine abuse.

c. **Board Type and Decision:** In a records review conducted on 21 January 2026, and by a 3-0 vote the Board determined the discharge is inequitable based on the applicant's length of service and the circumstances surrounding the discharge (PTSD 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 change to 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:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 17 August 2007

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 30 April 2007

(2) **Basis for Separation:** The applicant was informed of the following reasons: Between on or about 18 and 20 February 2007, tested positive for Cocaine during a random urinalysis; On 2 February 2007, were disrespectful in deportment towards a noncommissioned officer (NCO); On 2 February 2007, disobeyed a NCO; On 2 February 2007, were drunk and disorderly; On 4 September 2006, were found Driving Under the Influence of Alcohol; On 18 October 2006, disobeyed a NCO; On 1 October 2006, assaulted Private G___; On 26 August 2006, communicated a threat to a NCO; On 12 August 2006, unlawfully fled the scene of an accident; On 6 August 2006, were disrespectful to an NCO.

(3) **Recommended Characterization:** Under Other than Honorable Conditions

(4) Legal Consultation Date: 24 May 2007

(5) Administrative Separation Board: On 24 May 2007, the applicant waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions).

(6) Separation Decision Date / Characterization: 8 August 2007 / General, (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 11 February 2005 / 3 years, 25 weeks / The applicant's AMHRR indicates an error in the discharge process, where the DD Form 214, block 12a, incorrectly recorded the Date Entered AD This Period as "2005|02|13." The AMHRR DD Form 4 (Enlistment/Reenlistment Document) confirms the applicant had entered Active Duty on 11 February 2005.

b. Age at Enlistment / Education / GT Score: 19 / HS Graduate / 102

c. Highest Grade Achieved / MOS / Total Service: E-3 / 92W10, Water Treatment Specialist / 2 years, 6 months, 5 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Five Developmental Counseling Forms document instances of the applicant having substandard performance (leaving the scene of an accident), assault, failure to obey a lawful order, positive urinalysis, and failure to be at appointed place of duty on time.

(2) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 22 November 2006, indicates the applicant was found to have on or about 4 November 2006, without authority, fail to go at the time prescribed to appointed place of duty; on or about 29 August 2006, were disrespectful in language toward an NCO; on or about 18 October 2006, disobey a lawful order by an NCO; on or about 1 October 2006, unlawfully strike another Soldier; on or about 29 August 2006, wrongfully communicate a threat toward an NCO. The imposed punishment included a reduction to E-2, along with 14 days of extra duty and restriction.

(3) General Officer Memorandum of Reprimand, 23 January 2007, reflects the applicant on 4 September 2006, refused to take a lawfully requested test to measure the alcohol content of breath when there was reasonable belief the applicant was driving under the influence of alcohol. On 4 September 2006, the applicant was charged with violation of the Implied Consent law when the applicant refused to take submit to an ER/IC intoxilyzer test in Tennessee.

(4) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 5 April 2007, indicates the applicant was found to have on or about 2 February 2007, were disrespectful in deportment toward, an NCO; on or about 2 February 2007, disobeyed an order from an NCO; between on or about 17 and 20 February 2007 wrongfully used cocaine; on or about 2 February 2007, were drunk and disorderly. The imposed punishment included a reduction to E-1, forfeiture of \$650 pay per month for two months, along with 45 days of extra duty and an oral reprimand.

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):** The following documents have been provided to the ARBA Medical Advisor, if applicable. See **“Board Discussion and Determination”** for Medical Advisor Details.

(1) **Applicant provided:** None

(2) **AMHRR provided:** Report of Mental Status Evaluation (MSE), 13 December 2006, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings, was mentally responsible, and met medical retention requirements. It was strongly recommended the applicant be enrolled in ASAP.

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record; Application for the Review of Discharge; Medical documents (3 pages).

6. POST SERVICE ACCOMPLISHMENTS: The applicant states post service accomplishments as a licensed insurance agent for ten years and at the time of application was 17 months sober from cocaine abuse.

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 non-waiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

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

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.

(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) 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 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

(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 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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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 was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of general under honorable conditions).

c. The applicant contends youth, and immaturity influenced their behavior at the time of discharge. However, the AMHRR confirms the applicant met entrance qualification standards, including age.

d. The applicant contends PTSD stemming from domestic violence and substance abuse contributed to the applicant's misconduct. The applicant provided several medical documents indicating a diagnosis. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 22 October 2009, which indicates the applicant was mentally responsible and recognized right from wrong. The MSE does not indicate any diagnosis.

e. The applicant contends an upgrade would provide access to educational benefits through the GI Bill. Eligibility for veterans' benefits, including Post-9/11 or Montgomery GI Bill educational assistance, does not fall under the purview of the Army Discharge Review Board. The applicant should contact a local Department of Veterans Affairs office for further assistance.

f. The applicant contends post service accomplishments as a licensed insurance agent for ten years and at the time of application was 17 months sober from cocaine abuse. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character.

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(50%SC), IPV. [Note: Adjustment DO with disturbance of conduct is subsumed under diagnosis of PTSD.]

(2) Did the condition exist, or experience occur during military service? **Yes.** The IPV event occurred during military service. VA service connection for PTSD establishes nexus with active service.

(3) Does the condition or experience actually excuse or mitigate the discharge?
Partial. The Board's Medical Advisor applied liberal consideration and opined that the applicant has a diagnosis, PTSD due to IPV, which mitigates some of their misconduct. As there is an association between PTSD/IPV, self medication with illicit drugs/alcohol, and difficulty with authority figures, there is a nexus between diagnoses of PTSD due to IPV their misconduct of wrongful use of cocaine, incident of drunk and disorderliness, disrespectfulness towards NCOs and disobedience of NCOs' orders is mitigated. PTSD due to IPV does not mitigate assaulting a private, threatening an NCO or leaving the scene of an accident.

(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 PTSD outweighed the unmitigated misconduct of assaulting a private, threatening an NCO or leaving the scene of an accident.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends youth, and immaturity influenced their behavior at the time of discharge. 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 Post Traumatic Stress Disorder outweighing the applicant's discharge offenses.

(2) The applicant contends PTSD due to domestic violence and substance abuse contributed to the applicant's misconduct. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's discharge offenses. Therefore, a discharge upgrade is warranted.

(3) The applicant contends an upgrade would provide access to educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

(4) The applicant contends post service accomplishments as a licensed insurance agent for ten years and at the time of application was 17 months sober from cocaine abuse. The Board recognized the applicant's post service accomplishments and considered them during deliberation.

d. The Board determined the current discharge is inequitable due to the applicant's PTSD outweighing their misconduct.

e. Rationale for Decision:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220002485**

(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 Post Traumatic Stress Disorder outweighed the applicant's misconduct. 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:

1/29/2026

**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