

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 3 December 2021
- b. **Date Received:** 7 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 honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect suffering from mental health conditions while in service. The applicant was rated at a 70 percent disability rate by the VA for PTSD. The applicant also contends having had a TBI. The applicant also mentions being a recipient of a Purple Heart medal. The applicant also contends finishing a BA program, majoring in criminal justice; obtaining a better score; and maintaining a clean record and employment for over three years as post service accomplishments.

c. **Board Type and Decision:** In a records review conducted on 16 October 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (PTSD diagnosis), 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 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:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 27 April 2011

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 22 March 2011

(2) **Basis for Separation:** The applicant was informed of the following reasons: apprehended by the Fayetteville Police for driving with a blood alcohol content (BAC) of 0.11 percent on 3 November 2010; it was a second Driving Under the Influence (DUI) offense.

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

(4) **Legal Consultation Date:** 22 March 2011

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

(6) Separation Decision Date / Characterization: 4 April 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 20 March 2009 / 6 years

b. Age at Enlistment / Education / GT Score: 22 / General Educational Development / 90

c. Highest Grade Achieved / MOS / Total Service: E-4 / 88M10, Motor Transport Operator / 4 years, 10 months, 7 days

d. Prior Service / Characterizations: RA, 21 June 2006 – 20 February 2008 / HD
RA, 21 February 2008 – 19 March 2009 / HD

e. Overseas Service / Combat Service: SWA / Afghanistan (9 February 2007 – 19 April 2009; 15 August 2009 – 24 December 2009)

f. Awards and Decorations: ARCOM, PH, AGCM, NDSM, ACM-2CS, GWOTSM, ASR, OSR, NATOMDL, CAB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Memorandum For Record, 9 October 2008, reflects the Commanding General citing the authority to issue the Letter of Reprimand in regarding DUI related offenses.

(2) Phoenix Police Department Report, 7 June 2008, reflects the applicant getting arrested for a DUI via blood draw.

(3) General Officer Memorandum of Record (GOMOR), 14 May 2009, reflects the applicant underwent a breathalyzer test and the blood alcohol content reading was 0.11 percent which is over the legal limit authorized to operate a motored vehicle in Arizona.

(4) Military Police Report 06363 – 2010 – MPC023, 3 November 2010, reflects the applicant was arrested for impaired driving (BAC 0.11 percent), careless and reckless by speed, speeding to elude, failure to stop at a signal, and failure to maintain lane on 3 November 2010. The applicant posted a \$2,500 bond and was released to unit on a DD Form 2708. The mentioned form is void in the applicant's AMHRR.

(5) GOMOR, 10 November 2010, reflects the applicant was issued a letter of reprimand for being arrested for impaired driving (BAC 0.11 percent), careless and reckless by speed, speeding to elude, failure to stop at a signal, and failure to maintain lane on 3 November 2010.

(6) Three Developmental Counseling Forms document instances of the applicant failing a APFT (9 December 2010), failing a APFT a second time (13 January 2011), and notice of separation (28 January 2011).

(7) Sworn Statement, 30 December 2010, indicates the applicant provided a statement under oath stating feeling prepared for a second attempt to the APFT. The applicant also

acknowledged failure to pass would result in a recommendation for separation from the U.S. Army.

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:** VA Service-Connected Disability Compensation Letter, 30 June 2020, reflects the applicant has a confirmed 70 percent rating from the VA, effective 1 December 2019, but does not specify the conditions or claims attached to the findings.

(2) **AMHRR Listed:** Report of Behavioral Health Evaluation (BHE), 21 March 2011, reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was cleared for any administrative actions deemed appropriate by the command. The applicant was screened for PTSD and was not shown to have positive symptoms. The applicant did not have a testing done for mTBI on 23 December 2009. The follow up screening conducted on 21 March 2010 resulted in an asymptomatic finding. The applicant was also found to have a history of adjustment disorder. The applicant was noted non-compliant with treatment with behavioral services. The applicant was cleared for administrative action deemed necessary by command, including chapter separation.

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; Picture a bachelor's degree; Official college transcripts; Job acceptance letter; Experian credit report, VA Service-Connected Disability Compensation Letter.

6. POST SERVICE ACCOMPLISHMENTS: Obtained bachelor's degree in criminal justice, has held current employment for at least three years, has held a clean record, and has rebuilt credit to 678 at time of application submission.

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) 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 (Active Duty Enlisted Administrative Separations) 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.

(a) 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.

(b) 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.

(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. 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.

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, paragraph 12c, 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 was notified of separation for being apprehended by Fayetteville Police for DUI with a BAC of 0.11 percent; being a second offence, on 22 March 2011. The initiating commander recommended issuing a general (under honorable conditions) discharge. The applicant consulted with counsel on 22 March 2011. The applicant underwent a BHE on

21 March 2011, resulting in the applicant having a diagnosis of alcohol abuse (by history). The applicant was not found to have any other mental health diagnoses. The separation authority considered the BHE and directed a general (under honorable conditions) discharge on 4 April 2011.

c. The applicant contends suffering from mental health conditions causing misconduct, at time of the discharge. The applicant claims to have rating of 70 percent disability by the VA for PTSD. The applicant provided a Disability Compensation Letter from the VA confirming the 70 percent rating. The letter does not list any medical conditions attached to the findings, resulting in the overall rating. The applicant's AMHRR reflects awards certificate for a Purple Heart and a mTBI present and a mental health referral post deployment. The applicant was screened during a BHE before chapter proceedings. The BHE screened both PTSD and mTBI. The applicant was found to not have symptoms at the time of screening and was diagnosed with alcohol abuse (by history).

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

e. The applicant contends obtaining employment, attending and completing a BA program in criminal justice, obtaining a better credit score, and maintaining a clean record. 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: The applicant was diagnosed in-service with Adjustment Disorder with Depression and Alcohol Dependence. He was later diagnosed with service-connected PTSD by the VA.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant was diagnosed in-service with Adjustment Disorder with Depression and Alcohol Dependence. He was later diagnosed with service-connected PTSD by the VA.

(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 a mitigating mental health conditions. The applicant was diagnosed in service with Adjustment Disorder with Depressed Mood and later was diagnosed with service-connected PTSD by the VA related to combat. Given the nexus between PTSD and self-medication with alcohol abuse and erratic behavior, the two DUIs which led to the applicant's separation are mitigated.

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

c. Response to Contentions:

(1) The applicant contends suffering from mental health conditions causing misconduct, at time of the discharge. The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD outweighed the applicant's misconduct of Driving Under the Influence. Thus, the prior characterization is no longer appropriate

(2) The applicant contends good service, including a combat tour. The Board acknowledged this contention.

(3) The applicant contends obtaining employment, attending and completing a BA program in criminal justice, obtaining a better credit score, and maintaining a clean record. The Board acknowledged this contention.

b. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (PTSD diagnosis), 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 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.

c. 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 determined the discharge is inequitable based on the applicant's PTSD outweighed the applicant's illegal substance abuse. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

(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.

5. BOARD ACTION DIRECTED:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220002545

- a. **Issue a New DD-214:** 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:

10/23/2025



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