

1. Applicant's Name: [REDACTED]

a. Application Date: 14 February 2022

b. Date Received: 14 February 2022

c. Counsel: None

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

a. Applicant's Requests and Issues:

(1) The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable and a change of the narrative reason for separation.

(2) The applicant seeks relief contending they believe they were not given a second chance to redeem themselves and come back from such a horrible decision to drink and drive. They were going through a rough time as they were pregnant and lost the baby the same week. They turned to alcohol and have learned that it was not healthy. After they were discharged from the Army they started going to school and started working as a Department of Defense civilian doing the same thing they were doing in the Army. They also started a family as well and they would like to set a good example for their kids. They believe that one mistake should not hinder the many years they served honorably.

b. Board Type and Decision: In a records review conducted on 21 November 2025, and by a 3-0 vote. The Board approved the applicant's request after determining that the separation was both procedurally improper and substantively inequitable. As a result, the Board voted to grant relief by upgrading the characterization of service to Honorable and revising the narrative reason for separation with a code of JKN. The Board further concluded that the existing reentry code was appropriate and equitable and therefore elected not to modify it. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names available upon request.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 3 December 2019

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 3 October 2019

(2) Basis for Separation: The applicant was informed of the following reason: on or about 7 July 2019, apprehended at Randolph Gate for Driving while Impaired, they were administered a Field Sobriety Test and an Intoximeter Electrochemical Fuel Cell/Infrared II test, resulting in 0.12-percent Alcohol Concentration which is at or above the legal limit.

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

(4) Legal Consultation Date: 8 October 2019

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 24 October 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment: 30 April 2019 / 4 years

b. Age at Reenlistment / Education / GT Score: 21 / High School Diploma / 117

c. Highest Grade Achieved / MOS / Total Service: E-4 / 36B1O, Financial Management Technician / 3 years, 5 months, 7 days

d. Prior Service / Characterizations: 27 June 2016 - 29 April 2019 / HD

e. Overseas Service / Combat Service: Korea, Honduras / Honduras (2 February 2019 – 7 July 2019)

f. Awards and Decorations: AAM-3, NDSM, GWTSM, KDSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A memorandum, Headquarters, 82nd Airborne Division, subject: General Officer Memorandum of Reprimand (GOMOR) under Provisions of Army Regulation 600-37 (Unfavorable Information), dated 18 October 2019, reflects the applicant was reprimanded in writing for driving under the influence of alcohol. The commanding general states, on 7 July 2019, the applicant attempted to enter Fort Bragg, NC, upon approaching their vehicle, the police officer detected an odor of alcohol emitting from the applicant. A Standardized Field Sobriety Test was conducted, which warranted further action. The applicant was apprehended, transported to the Fort Bragg Law Enforcement Center, where they were administered an Intoxilyzer test, which showed their blood alcohol content to be 0.12-percent.

(2) A memorandum, 82nd Finance Management Support Unit, 82nd Special Troops Battalion, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, reflects the applicant's company commander notified them of their intent to separate them under the provisions of Army Regulation 635-200, paragraph 14-12c, for misconduct described above in paragraph 3c(2). The company commander recommended the applicant's characterization of service as General (Under Honorable Conditions). On 3 October 2019, the applicant acknowledged the basis for the separation and of the right available to them.

(3) In the applicant's memorandum, subject: Election of Rights under Army Regulation 635-200, Notification Procedure, dated 8 October 2019, reflects the applicant acknowledge they have been afforded the opportunity to confer with counsel. They elected to submit statements on their own behalf.

(4) A Statement of Trial Results dated 10 October 2019 reflects the applicant's guilty plea and finding of guilty for, on or about 7 July 2019, physically control a vehicle, when the

alcohol concentration in their breath was equal to or greater than 0.08 grams of alcohol per 210 liters of breath as shown by chemical analysis. Their limitations of punishment contained in the plea agreement consisted of a fine of no less than \$100 and no more than \$200 and reduction in rank to not less than and not more than privateE-1.

(5) A memorandum, Headquarters, 82nd Airborne Division Sustainment Brigade, subject: Failure to Submit Matters, dated 22 October 2019, reflects, as of 22 October 2019 the applicant failed to submit matters on their behalf.

(6) A memorandum, 82nd Finance Management Support Unit, 82nd Special Troops Battalion, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 22 October 2019, the applicant's company commander submitted a request that the applicant be separated from the Army prior to the expiration of their current term of service. The commander states they do not consider it feasible or appropriate to accomplish other disposition as the applicant's for rehabilitation and further military service has been considered and weighed against the misconduct that they have committed. The applicant's conduct is not demonstrative of a member of the U.S. Army and they do not possess the potential for successful rehabilitation in the U.S. Army.

(7) A memorandum, Trial Defense Service, Fort Bragg Field Office, subject: Request for Retention, [Applicant], dated 23 October 2019, reflects the applicant's counsel's request to retain the applicant to continue to serve on active duty. Counsel states during the applicant's court-martial, they explained that they were on leave at that time to tend to a personal medical issue. They told the military judge that they made the most difficult decision for their life on 2 July 2019, when they chose to have an abortion. They told the military judge that they kept this information to themselves at the time it happened and that they handled it in an unhealthy way. On the evening of 7 July 2019, they chose to consume alcohol during a time of emotional turmoil as a way of coping with the stress and sadness they felt from what had occurred just five days earlier. The only witness the Government called was the applicant's first sergeant, who bolstered the narrative that the applicant is a great Soldier who is competent and hardworking. The applicant recognizes their mistake, as they have done from the outset of their court-martial process and they are dedicated to learn and grow from it.

(8) A memorandum, 82nd Special Troops Battalion, 82nd Airborne Division Sustainment Brigade, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, the applicant's battalion commander reviewed the applicant's separation packet. After careful consideration of all matters, recommended the applicant be separated from the Army prior to the expiration of their current term of service. The commander recommended their service be characterized as General (Under Honorable Conditions).

(9) A memorandum, 82nd Airborne Division Sustainment Brigade, subject: Separation under the Provisions of Army Regulation 635-200, Active Duty Enlisted Administrative Separations, Paragraph 14-12c, Commission of a Serious Offense – [Applicant], dated 14 October 2019, reflects the separation authority reviewed the applicant's separation packet and carefully considered of all matters, directed the applicant be separated from the Army prior to the expiration of their current term of service. The separation authority directed the applicant's service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfer requirement, they determined the requirements were completed prior to initiation of this separation.

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(10) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 3 December 2019, with 3 years, 5 months and 7 days of net active service this period. The DD Form 214 shows in:

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 10 October 2019
- item 18 (Remarks) – MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKQ
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)

d. Lost Time / Mode of Return: NA

e. 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 Listed: DA Form 3822 (Report of Mental Status Evaluation) reflecting a diagnosis of Unspecified Alcohol Related Disorder.

5. APPLICANT-PROVIDED EVIDENCE: None submitted with application.

6. POST SERVICE ACCOMPLISHMENTS: going to school and started working as a Department of Defense civilian doing the same thing they were doing in the Army.

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10 U.S. Code, Section 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; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

f. Army Regulation 600-37 (Unfavorable Information) sets forth policies and procedures to ensure the best interests of both the Army and Soldiers are served by authorizing unfavorable information to be placed in, transferred within, or removed from an individual's AMHRR.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) dated 19 December 2016, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. This regulation provided the authority and general provisions governing the

separation of Soldiers before expiration term of service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(1) 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.

(2) A General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(3) An Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) establishes policy and prescribes procedures for separating personnel for misconduct because of minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, and absence 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 (Commission of a Service Offense), stated 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.

(5) 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c, misconduct (serious offense).

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 DoD

Instruction 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 waivable and nonwaivable 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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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. Manual for Courts-Martial, United States (2019 Edition) stated, 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 order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating the following Article 113 (Drunken or reckless operation of a vehicle).

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence provides the applicant received a GOMOR for driving while under the influence of alcohol and was involuntarily discharged from the U.S. Army. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of General (Under Honorable Conditions). The applicant completed 3 years, 5 months, and 7 days of net active service this period and completed their first full term of service; however, the applicant did not complete their 4-year reenlistment agreement.

c. 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. Characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate. An honorable characterization of service is generally required when the Government initially introduces limited-use evidence.

d. 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 treated for alcohol abuse both while in service and by the VA. She has also been diagnosed and treated by the VA for service-connected PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found evidence the applicant was treated for alcohol abuse both while in service and by the VA. She has also been diagnosed and treated by the VA for service-connected PTSD.

(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 condition. The applicant was diagnosed while on active service with an Alcohol use disorder. After her discharge, she was diagnosed by the VA with service-connected PTSD and continued to attend alcohol abuse treatment. Given the nexus between PTSD and self-medicating with alcohol, the applicant's incident of DUI could be mitigated per Liberal Consideration.

(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 or experience outweighed the listed basis for separation for the aforementioned reasons.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends they believe they were not given a second chance to redeem themselves and come back from such a horrible decision to drink and drive. The applicant contends they were going through a rough time as they were pregnant and lost the baby the same week. They turned to alcohol and have learned that it was not healthy. The Board considered this contention and determined that there is sufficient evidence in the Medical Advisors opined mitigating mental health condition. The applicant was diagnosed while on active service with an Alcohol use disorder. 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.

(2) The applicant contends after they were discharged from the Army they started going to school and started working as a Department of Defense civilian doing the same thing they were doing in the Army. The applicant contends they started a family as well and they would

like to set a good example for their kids. The applicant contends they believe that one mistake should not hinder the many years they served honorably. The Board acknowledges and appreciates the applicant's willingness to serve and carefully considered this contention during its proceedings, along with the totality of the applicant's service record. Ultimately, the Board voted to grant relief by upgrading the characterization of service to Honorable.

d. The Board determined 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 concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (PTSD) mitigates the basis of separation (driving while impaired by alcohol) and warrants a change to the character and narrative reason for separation. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable. The Board voted to retain the reenry code based on the medical diagnosis.

e. Rationale for Decision:

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

(2) The Board voted to change the applicant's characterization of service to Honorable and to change the applicant's reason for discharge or accompanying SPD code JKN, as the reason the applicant discharged was inequitable.

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

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- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

11/25/2025

**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

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