

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

a. **Application Date:** 16 November 2021

b. **Date Received:** 22 November 2021

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.

(2) The applicant seeks relief contending they repeatedly asked their chain of command for help and told them they really needed help to get in rehabilitation. After they completed an outpatient program they told their chain of command they were not confident in their sobriety and needed more help. They completed a six month program and was discharged back to Fort Hood, TX. After rehabilitation and seeing their counselors and fighting issues with family and those around them and without a support system, they succumbed again to alcohol.

(3) In December 2016, they received a Driving While Intoxicated (DWI) by stopping at the post gate with an open bottle while trying to get themselves and a friend home, they made an immature decision. They were arrested, given jail time and was told their time in the Army was done.

(4) They recently received help from the Department of Veterans Affairs (VA) for homelessness and mental health and was diagnosed with Post Traumatic Stress Disorder (PTSD). While serving on active duty they repeatedly asked for help while being asked to perform at the highest peak possible.

**b. Board Type and Decision:** In a records review conducted on 20 August 2025, and by a 4-1 vote, the Board determined the discharge is inequitable based on the circumstances surrounding the discharge (Dysthymia, Alcohol and Cannabis Dependence, trauma symptoms). 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.

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Drug Rehabilitation Failure / Army Regulation 635-200, Chapter 9 / JPC / RE-4 / General (Under Honorable Conditions)

b. **Date of Discharge:** 18 April 2017

c. **Separation Facts:** The applicant's case separation file in their Army Military Human Resource Record (AMHRR) only contains the Separation Authority memorandum, dated 13 March 2017, directing the applicant's separation and character of service as General (Under Honorable Conditions).

**4. SERVICE DETAILS:**

- a. **Date / Period of Enlistment:** 28 September 2015 / 3 years, 21 weeks
- b. **Age at Enlistment / Education / GT Score:** 18 / HS Graduate / 101
- c. **Highest Grade Achieved / MOS / Total Service:** E-3 / 92G10, Culinary Specialist / 1 year, 6 months, 21 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** AAM, NDSM, ASR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) A memorandum, Headquarters, 3rd Corps and Fort Hood, subject: General Officer Memorandum of Reprimand (GOMOR), dated 25 January 2017 reflects the applicant was reprimanded in writing for driving a vehicle while intoxicated. The commanding general states on 9 December 2016 at 2334 hours, as the applicant was entering the Access Control Point, a gate guard detected an odor of an alcoholic beverage emitting from the vehicle. After the applicant failed a field sobriety test, a military police officer apprehended them for operating a vehicle while intoxicated. Furthermore, they were not of legal age to consume or possess alcohol and was consequently charged with possession of alcohol by a minor and underage drinking. The applicant consented to a test to determine their Breath Alcohol Content (BAC). The result was 0.114-percent BAC, which exceeded the legal limit for a person over 21 years old, which is 0.08-percent set forth in Texas Penal Code.

(2) A memorandum, Headquarters, 36th Engineer Brigade, subject: Separation under Army Regulation 635-200, Chapter 9, Alcohol or Drug Abuse Rehabilitation Failure, dated 13 March 2017, reflects the separation authority reviewed the separation packet of the applicant and directed they be separated from the U.S. Army with a characterization of General (Under Honorable Conditions).

(3) A DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant was discharged from the U.S. Army on 18 April 2017 and shows in –

- item 18 (Remarks) – in part, MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 25 (Separation Authority) – Army Regulation 635-200, Chapter 9
- item 26 (Separation Code) – JPC
- item 27 (Reentry Code) – RE-4
- item 28 (Narrative Reason for Separation) – Drug Rehabilitation Failure

- i. **Lost Time / Mode of Return:** None
- j. **Behavioral Health Condition(s):**

**(1) Applicant provided:** Department of Veterans Affairs (VA) screenshot of Rated Disabilities reflecting a 50-percent disability rating for Major Depressive Disorder.

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with enlisted summary statement
- GOMOR, with supporting documents
- DD Form 214
- Enlisted Record Brief
- four 3rd Party Statements
- VA Letters and screenshot of Rated Disabilities
- email, reflect request for Record Review

**6. POST SERVICE ACCOMPLISHMENTS:** None submitted with the application.

**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. Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

**(1)** Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a

civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. 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 Instruction 1332.28.

d. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. 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. 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. Paragraph 3 (Policy) stated alcohol abuse and resulting misconduct will not be condoned. On-duty impairment due to alcohol consumption will not be tolerated. Impairment of Soldiers is defined as having a blood alcohol content equal to or greater than 0.05 grams of alcohol per 100 milliliters of blood. To remain in the Army, all Soldier who identified as alcohol abusers must successfully complete an ASAP education and/or rehabilitation program. Soldiers who fail to be rehabilitated will be processed for separation under the provisions of Army Regulation 635-200, chapter 9.

e. 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. Readiness is promoted by maintaining high standards of conduct and performance.

(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) A 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 9 (Alcohol or Other Drug Abuse Rehabilitation Failure) provided the authority and outlined the procedures for discharging individuals because of alcohol or other drug abuse rehabilitation failure. Discharge is based upon alcohol or other drug abuse such as illegal, wrongful, or improper use of any controlled substance, alcohol or other drug when the commander determines that further rehabilitation efforts are not practical, rendering the Soldier a rehabilitation failure. This determination will be made in consultation with the rehabilitation team. A Soldier who is enrolled in the ASAP for alcohol/drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program. Initiation of separation proceedings is required for Soldiers designated as alcohol/drug rehabilitation failures.

(5) Paragraph 9-4 (Characterization of Service or Description of Separation) stated service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required.

(6) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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.

f. 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 "JPC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, separation for drug rehabilitation failure.

g. 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 Instructions 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 reenry 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.

h. Manual for Courts-Martial, United States (2016 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 111 (Drunk or Reckless Operation of Vehicle).

i. 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):

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

b. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation only contains the Separation Authority memorandum. However, the applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, chapter 9, Drug Rehabilitation Failure, with a characterization of service of General (Under Honorable Conditions). The applicant completed 1 year, 6 months and 21 days of net active service and did not complete their first full term of service of their 3-year, 21-week service obligation.

c. Chapter 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse rehabilitation failure. Discharge is based upon alcohol or other drug abuse such as illegal, wrongful, or improper use of any controlled substance, alcohol or other drug when the commander determines that further rehabilitation efforts are not practical, rendering the Soldier a rehabilitation failure. This determination will be made in consultation with the rehabilitation team. A Soldier who is enrolled in the ASAP for alcohol/drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program. Initiation of separation proceedings is required for Soldiers designated as alcohol/drug rehabilitation failures.

d. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD or other mental health conditions. The applicant provided a VA screenshot of their Rated Disabilities reflecting a 50-percent disability rating for Major Depressive Disorder.

e. 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: Dysthymia, Alcohol and Cannabis Dependence, MDD, PTSD due to childhood (symptoms in-service as well)

(2) Did the condition exist, or experience occur during military service? **Yes.** Dysthymia, Alcohol and Cannabis Dependence, trauma symptoms

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given depressive and trauma symptoms existed prior to the misconduct and nexus between these symptoms and substance abuse, the basis is 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.

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant contends they repeatedly asked their chain of command for help and told them they really needed help to get in rehabilitation. After they completed an outpatient program they told their chain of command they were not confident in their sobriety and needed more help.

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 Dysthymia, Alcohol and Cannabis Dependence, and trauma symptoms fully outweighing the applicant's misconduct of driving while intoxicated and underage drinking basis for separation.

(2) The applicant contends after rehabilitation and seeing their counselors, fighting issues with family and those around them and without a support system, they succumbed again to alcohol. They were arrested for DWI, given jail time and was told their time in the Army was done.

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 Dysthymia, Alcohol and

Cannabis Dependence, and trauma symptoms fully outweighing the applicant's misconduct of driving while intoxicated and underage drinking basis for separation.

**(3)** The applicant contends they recently received help from the VA for homelessness and mental health and they were diagnosed with PTSD.

The Board considered this contention during proceedings.

**(3)** The applicant contends while serving on active duty they repeatedly asked for help while being asked to perform at the highest peak possible.

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 Dysthymia, Alcohol and Cannabis Dependence, and trauma symptoms fully outweighing the applicant's misconduct of driving while intoxicated and underage drinking basis for separation.

**d.** The Board determined the discharge is inequitable based on the circumstances surrounding the discharge (Dysthymia, Alcohol and Cannabis Dependence, trauma symptoms). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

**e.** Rationale for Decision:

**(1)** The Board voted to change the applicant's characterization of service to Honorable because the applicant's Dysthymia, Alcohol and Cannabis Dependence, and trauma symptoms mitigated the applicant's misconduct of driving while intoxicated and underage drinking basis for separation.

**(2)** The Board voted to change the reason for discharge to Misconduct (Minor Infractions) and changed the SPD code to JKN.



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

**AR20220003761**

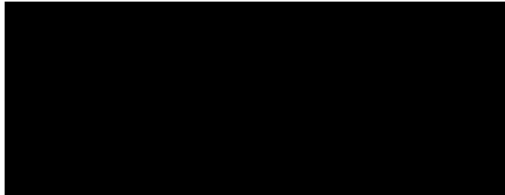
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

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

**Authenticating Official:**

9/28/2025



**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