

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 16 February 2022
- b. **Date Received:** 22 February 2022
- c. **Counsel:** None

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

a. **Applicant Requests:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect. untreated post-traumatic stress disorder (PTSD) served as the principal cause of alcoholism and sleep disturbance; the behavioral health provider referred the applicant back to the primary care provider following the 17 May 2017, evaluation; and the behavioral health provider offered treatment only after the driving-under-the-influence arrest.

c. **Board Type and Decision:** In a records review conducted on 21 October 2025, and by a 3-0 vote, the Board determined the discharge is inequitable, finding that the applicant's Post-Traumatic Stress Disorder (PTSD), Major Depressive Disorder (MDD), and Anxiety Disorder outweighed the offenses of DUI and failures to report, supported by the Board Medical Advisor's assessment of a nexus between these conditions and self-medication. 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:** 23 April 2019

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 11 March 2019

(2) **Basis for Separation:** The applicant was informed of the following reasons: On or about 7 October 2018, the applicant was apprehended for driving under the influence of alcohol. The applicant blood alcohol content (BAC) was .10 percent.

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

(4) **Legal Consultation Date:** 13 March 2019

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

(6) Separation Decision Date / Characterization: 28 March 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment Under Review:** 20 June 2016 / 4 years, 19 weeks
- b. **Age at Enlistment / Education / GT Score:** 18 / High School Graduate / 105
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 11B1P, Infantryman / 2 years, 10 months, 4 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** SWA / Afghanistan (23 June 2017 – 11 March 2018)
- f. **Awards and Decorations:** ARCOM-CD, NDSM, GWOTSM, ASR, OSR, NATOMDL, CIB
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) General Officer Memorandum Of Reprimand, 28 November 2018, reflects the applicant was driving while impaired. The applicant was reprimanded for driving while under the influence of alcohol. On 7 October 2018, the applicant was pulled over by an Ottawa (Ohio) Police officer for following too closely. Upon approaching the vehicle, the officer detected an odor of alcohol emitting from the applicant. The applicant underwent Standardized Field Sobriety Tests, which warranted further action. The applicant was then apprehended and transported to the Putnam County Sheriff's Department, and administered an Intoxilyzer test, which showed the applicant's blood alcohol content to be .101 percent. Further investigation revealed the applicant was under the legal age of twenty-one to consume alcohol. The applicant's actions are unacceptable and will not be tolerated.

(2) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 22 January 2019, indicates the applicant failed to go at the time prescribed to appointed place of duty on 26 November and 17 December 2018. On or about 5 November 2018, without authority, go from the applicant's appointed place of duty. The imposed punishment included a reduction to E-3 (suspended), forfeiture of \$491 (suspended), along with 14 days of extra duty and restriction.

(3) Record of Supplementary Action Under Article 15, UCMJ, 19 January 2019, indicates the suspended portion of the punishment imposed on 22 January 2019, was vacated due to violations of Article 86, on or about 24 January 2019, without authority, fail to go at the time prescribed to appointed place of duty, to wit: 1300 Substance use disorder clinical care appointment located at Robinson Health clinic.

(4) Four Developmental Counseling Forms document instances of the applicant being arrested and failing to be at appointed place of duty.

i. Lost Time / Mode of Return:

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: Chronological Record of Medical Care, 7 November 2018, reflects a diagnosis of Alcohol use disorder and opioid abuse.

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 11 January 2019, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions. The evaluation included a diagnosis of Alcohol dependence, uncomplicated.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Medical records.

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

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. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(3) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted 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 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 available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for being apprehended for driving under the influence of alcohol.

c. The applicant contends suffering from PTSD. The applicant provided a Chronological Record of Medical Care, 7 November 2018, reflecting a diagnosis of Alcohol use disorder and opioid abuse. The AMHRR includes a Report of Mental Status Evaluation (MSE), 11 January 2019, reflecting the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The evaluation included a diagnosis of Alcohol dependence, uncomplicated.

d. The applicant contends the behavioral health provider offered treatment only after the driving-under-the-influence arrest. The applicant provided no supporting evidence beyond their statement to support the contention. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

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: Post-Traumatic Stress Disorder (PTSD), Major Depressive Disorder (MDD), Anxiety Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 70 Service Connected (SC) for 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 a review of the available information shows the applicant has Behavioral Health (BH) conditions that mitigates misconduct. The applicant is 70 percent SC for PTSD, MDD, and Anxiety Disorder. Given the nexus between his BH conditions and the use of substances to self-medicate, the applicant's misconduct characterized by DUI is mitigated by the applicant's BH conditions and upgrade based on medical mitigation is supported.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration, including the Board Medical Advisor's opinion, the Board determined the applicant's PTSD, MDD, and Anxiety Disorder mitigated his offenses of DUI and unauthorized absences. The Advisor found a nexus between these conditions and self-medication, supporting an upgrade based on medical mitigation.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends suffering from PTSD. The Board considered this contention regarding the applicant's suffering from PTSD. This claim is substantiated by the Board Medical

Advisor's review of DoD and VA records, confirming a 70% SC rating for PTSD, alongside diagnoses of Major Depressive Disorder and Anxiety Disorder.

(2) The applicant contends the behavioral health provider offered treatment only after the driving-under-the-influence arrest. The Board also considered the contention that behavioral health treatment was offered only after the DUI arrest. While acknowledging the timing, the Board Medical Advisor's opinion focused on the presence of mitigating conditions and the nexus between those conditions and the applicant's misconduct, specifically self-medication. Therefore, the Board found the misconduct was mitigated despite the timing of treatment.

d. The Board determined the discharge is inequitable, finding that the applicant's PTSD, MDD, and Anxiety Disorder outweighed the offenses of DUI and failures to report, supported by the Board Medical Advisor's assessment of a nexus between these conditions and self-medication. 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) 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, after applying liberal consideration to all evidence, finding that diagnoses of PTSD, Major Depressive Disorder, and Anxiety Disorder mitigated the offenses of DUI and failures to report for duty.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) with SPD code JKN, determining the original reason was no longer appropriate due to the mitigating effects of the applicant's diagnoses of PTSD, Major Depressive Disorder, and Anxiety Disorder.

(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:

10/31/2025



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