

1. Applicant's Name: [REDACTED]**a. Application Date:** 1 March 2022**b. Date Received:** 7 March 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, suffering from untreated mental health conditions including PTSD, anxiety, depression, sleep insomnia, and memory loss following a deployment to Afghanistan. Six months after returning, the applicant began finding a way to cope with the mental trauma of the recent deployment and received the first and only DWI, marking the only legal or disciplinary issue during service. Despite strong performance, multiple awards including AAMs and an ARCOM, and being a leader among peers preparing for promotion, the applicant was discharged without receiving an Article 15. A letter of retention was submitted by the battalion commander, but the brigade commander chose discharge instead. After separation, the applicant began treatment for mental health and related conditions at the VA.

c. Board Type and Decision: In a records review conducted on 25 November 2025, and by a 3-0 vote, The Board determined the discharge is inequitable based on the applicant's Behavioral Health condition outweighed the applicant's basis of separation. 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. 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: 28 February 2017

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 16 November 2016

(2) Basis for Separation: The applicant was informed of the following reasons: On or about 5 August 2016, the applicant drove while intoxicated with a blood alcohol concentration of .18 percent.

(3) Recommended Characterization: General (Under Honorable Conditions) / The intermediate commander recommended retention.

(4) Legal Consultation Date: On 22 November 2016, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 5 January 2017 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 21 January 2014 / 4 years, 24 weeks

b. Age at Enlistment / Education / GT Score: 21 / High School Graduate / 117

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92G10, Food Service Specialist / 3 years, 1 month, 10 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (22 May 2015 – 4 February 2016)

f. Awards and Decorations: ACM-CS, ARCOM, AAM, NDSM, GWOTSM, ASR, NATOMDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) New York state Arrest Report, 4 August 2016, reflects the applicant was arrested for driving under the influence of alcohol, failing to signal, aggravated DWI, and failing to keep right. The applicant was transported, processed, and released to military custody. The applicant provided a breath sample with a blood alcohol content (BAC) of .18 percent.

(2) Military Police Blotter report, 4 August 2016, reflects the Watertown Police Department observed a vehicle failing to keep right and using an insufficient turn signal. A traffic stop was initiated. Officers identified the applicant as the operator. Officers detected an odor of alcoholic beverage emanating from the applicant's breath. Officers administered a standardized field sobriety test, which the applicant failed. Officers arrested and transported the applicant to the public safety building. Officers administered a breathalyzer, which resulted in a BAC of .18 percent. A commissioned officer read the applicant an on-post driving privileges suspension letter. Officers released the applicant to SFC H.

(3) Department of the Army Headquarters memorandum, subject: General Officer Memorandum of Reprimand, 16 August 2016, reflects the applicant was reprimanded for driving an automobile while under the influence of alcohol.

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:

(a) VA Eastern Kansas Health Care System letter, 22 September 2021, reflects the applicant was diagnosed with PTSD with associated symptoms of anxiety, depression, insomnia, and memory impairment / loss, migraine headaches, sinusitis (recurrent), and gout. The applicant reported related symptoms including irritability, hostility, agitation, self-destructive behavior, and difficulties in social skills and communication. The applicant preferred self-isolation and reported difficulty in functioning "normally" in society / social interactions. The applicant also reported not handling stress well at work and home, struggles to follow simple instructions.

(b) eBenefits printout, 1 March 2022, reflects the applicant received 100 percent service-connected disability. The breakdown of the disability ratings showed 70 percent for PTSD with generalized anxiety disorder and major depressive disorder; 50 percent for migraine with tension headaches and sinusitis.

(c) VA Summary of Benefits, 1 March 2022, reflects the applicant received 100 percent service-connected disability.

(2) AMHRR Listed:

(a) Report of Mental Status Evaluation (MSE), 1 September 2016, indicates the applicant was psychiatrically cleared for chapter separation. The applicant demonstrated the ability to understand and participate in administrative proceedings. The applicant was mentally sound and able to appreciate any wrongfulness in conduct and to conform to the requirements of the law. PTSD and mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. Records review and interview indicated the applicant met criteria for a substance use disorder and was already enrolled in ASAP. There were no psychiatric symptoms sufficient to require hospitalization, necessitate limitations of duty, or interfere with effective military service.

(b) Report of Medical History, 7 September 2016, reflects the applicant reported a diagnosis of a concussion on 21 July 2016. The applicant reported still experiencing headaches.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; VA Eastern Kansas Health Care System letter; eBenefits printout; VA Summary of Benefits letter; two Recommendations for Award; Enlisted Record Brief; five third-party letters; intermediate commander recommendation letter.

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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.
- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 2 provides the notification procedure.

(a) Paragraph c prescribes the separation authority is not bound by the recommendations of the initiating or intermediate commander and has complete discretion to direct any type of discharge and characterization of service authorized by applicable provisions of the regulation.

(2) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(a) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) 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.

(c) 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.

(3) 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.

(4) Paragraph 14-12c prescribes Commission of a serious military or civil 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 MCM.

(5) Paragraph 14-16 prescribes intermediate commanders may take one of the following actions in cases of misconduct, except for cases of abuse of illegal drugs: a. Disapprove the recommendation and direct reassignment of the Soldier to another organization or direct disposition by other means. In case of reassignment, the commanding officer's report will be sent to the new organization commander for information.

(6) 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 applicant was notified for recommendation for separation because on or about 5 August 2016, the applicant drove while intoxicated with a blood alcohol concentration of .18 percent. The intermediate commander recommended the applicant be retained and rehabilitative transferred to another unit. The applicant was separated with a general (under honorable conditions) characterization of service.

c. The applicant contends suffering from untreated mental health conditions including PTSD, anxiety, depression, sleep insomnia, and memory loss followed deployment. The applicant provided a VA letter and an eBenefits printout supporting this contention. The applicant's AMHRR contains documentation supporting an in-service concussion. The record shows the applicant underwent a mental status evaluation (MSE) on 1 September 2016, which

indicates the applicant was diagnosed with alcohol use disorder, mild. The separation authority considered the MSE.

d. The applicant contends six months after returning, the applicant received a first and only DWI, marking the only legal or disciplinary issue during service. The applicant provided third-party letters discussing the applicant's character. Army Regulation 635-200, paragraph 3-5, state as a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

e. The applicant contends despite strong performance, multiple awards including AAMs and an ARCOM, and being a leader among peers preparing for promotion, the applicant was discharged without receiving an Article 15. The applicant provided two recommendations for awards to support the contention. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

f. The applicant contends a letter of retention was submitted by the battalion commander, but the brigade commander chose discharge instead. The applicant provided the intermediate commander's recommendation memorandum to support the contention. The separation authority is not bound by the recommendations of the initiating or intermediate commander and has complete discretion to direct any discharge and characterization of service authorized by the applicable provisions of the regulation as stated in Army Regulation 635-200, chapter 2-2c.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: PTSD, GAD, Unspecified Depressive Disorder

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 70 percent SC for PTSD, GAD, and Unspecified Depressive Disorder.

(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 records reflects the applicant has BH conditions that mitigate their misconduct as outlined in the BoS. They are 70 percent SC for PTSD, GAD, and Unspecified Depressive Disorder. Given the nexus between the applicant's SC BH conditions and the use of substances to self-medicate, misconduct characterized by the DUI is summarily mitigated and upgrade based on medical mitigation is supported.

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

b. Prior Decisions Cited: **NA**

c. Response to Contention(s):

(1) The applicant contends suffering from untreated mental health conditions including PTSD, anxiety, depression, sleep insomnia, and memory loss followed deployment. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's DUI offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends six months after returning, the applicant received a first and only DWI, marking the only legal or disciplinary issue during service. The applicant contends a letter of retention was submitted by the battalion commander, but the brigade commander chose discharge instead. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's DUI offense.

(3) The applicant contends despite strong performance, multiple awards including AAMs and an ARCOM, and being a leader among peers preparing for promotion, the applicant was discharged without receiving an Article 15. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's DUI offense.

d. The Board determined: The Board determined the discharge is inequitable based on the applicant's Behavioral Health condition outweighed the applicant's basis of separation. 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.

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 because the applicant's Post Traumatic Stress Disorder outweighed the applicant's DUI Offense. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

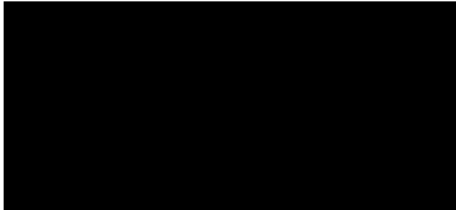
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10. BOARD ACTION DIRECTED:

- 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:

12/3/2025



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