

1. Applicant's Name: [REDACTED]**a. Application Date:** 7 February 2022**b. Date Received:** 13 July 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 their character of service was inequitable. There are contributing factors to their discharge to include admissions into a behavioral health facility, a driving under the influence offense, noncommunicative and effective relationships with their command, and lifestyle adjustments to a new environment. They were admitted into the behavioral health facility twice in six months in 2020 to address their experiences of depression and anxiety. Their DUI occurred a few months after their hospitalization due to their desire to self-treat their mental illness instead of taking more therapeutic approach. Since their discharge they have made a serious of strides. They have worked to ensure stability and identify more effective ways to address their mental health. They are presently enrolled in behavioral health services to ensure they remain proactive in identifying any mental, physical, or emotional concerns. They have acquired civilian employment and sought enrollment into college. They believe they have proven themselves to be of good character during this post separation process.

c. Board Type and Decision: In a records review conducted on 10 March 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, the circumstances surrounding the discharge (OBHI diagnoses), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the 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) / Army Regulation 635-200, Paragraph 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 4 June 2021

c. Separation Facts: The applicant's case separation file is void from their Army Military Human Resource Record (AMHRR).

(1) Date of Notification of Intent to Separate: NIF**(2) Basis for Separation:** NIF**(3) Recommended Characterization:** NIF

(4) **Legal Consultation Date:** NIF

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

(6) **Separation Decision Date / Characterization:** NIF

4. Service Details:

a. Date / Period of Reenlistment Under Review: The applicant extended the most recent enlistment by a period of two months on 10 December 2018, giving the applicant a new Expiration Term of Service (ETS) of: 26 September 2022.

b. Age at Reenlistment / Education / GT Score: 21 / HS Graduate / 91

c. Highest Grade Achieved / MOS / Total Service: E-5 / 92G1O, Culinary Specialist / 5 years, 4 months, 29 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany / None

f. Awards and Decorations: AAM-4, AGCM, NDSM, GWTSM, NCOPDR, ASR

g. Performance Ratings: None

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) dated 17 December 2020 reflects the applicant received nonjudicial punishment in that they did, at or near Kaiserslautern, Germany, on or about 5 September 2020, physically controlled a vehicle, to wit: a passenger car, drunk, in violation of Article 113, UCMJ. Their punishment consisted of a reduction in rank/grade from sergeant/E-5 to specialist/E-4, forfeiture of \$1,317.00 pay for two months and extra duty and restriction for 45 days. The applicant elected not to appeal.

(2) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 4 June 2014, with 5 years, 4 months, and 29 days of net active service this period. The DD Form 214 shows in –

- item 18 (Remarks) – in part, no entry for the applicant's CONTINUOUS HONORABLE ACTIVE SERVICE – 20160106 – 20180726; 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

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:** Military Service Treatment record reflecting a diagnosis of Adjustment Disorder with mixed Anxiety and Depressed Mood.

(2) **AMHRR provided:** None

5. Applicant Provided Evidence:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with letter
- Law Enforcement Report
- DA Form 2627 (Record of Proceedings under Article 15, UCMJ), pages 2-5
- Alcohol and Drug Abuse Prevention Training Class Completion memorandum, with Certificate of Training
- DD Form 214

6. Post-Service Accomplishments: None submitted with 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 UOHC 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), dated 25 September 2019, 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 3, Section II (Types of Characterization or Description) provides the authorized types of characterization of service or description of separation. It states:

(a) 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) 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 (Separation for Misconduct) 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 (Secretarial Plenary Authority) 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: RE-1
- 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, 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. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation is not in evidence. The applicant's AMHRR does reflect the applicant received nonjudicial punishment under the provision of Article 15, UCMJ for physically control a vehicle, while drunk. The applicant's DD Form 214 indicates they were discharge under the provisions of Army Regulation 635-200, paragraph 14-12c, by reason of Misconduct (Serious Offense). They completed their first full term of service; however, they did not complete their 4-year reenlistment obligation.

c. 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.

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: MDD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 100% SC with 70% SC for Mood 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 the applicant asserts that their mental health condition was directly related to the misconduct. While in service, the applicant had two primary MH diagnoses of MDD and Adjustment Disorder. Their MH care started in 2017 and concluded in April 2020 prior to discharge. They were psychiatrically hospitalized twice in 2020. Their final active-duty diagnosis was Adjustment Disorder after their provider stepped back the MDD diagnosis. After service, the applicant is 100% SC with 70% SC for Mood Disorder with the most recent diagnosis being MDD in 2025. Given the length of their Adjustment Disorder diagnosis while in service along with the SC MDD diagnosis, either can be used for mitigation. As there is a nexus between MDD, using substances as a form of self-medication, and a one-time DUI, the misconduct is medically mitigated when applying liberal consideration.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that Major Depressive Disorder outweighed a single uncomplicated DUI.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends their character of service was inequitable. There are contributing factors to their discharge to include admissions into a behavioral health facility, a driving under the influence offense, noncommunicative and effective relationships with their command, and lifestyle adjustments to a new environment. The Board determined that this contention was valid and voted to upgrade the characterization of service due to MDD mitigating the applicant's basis of separation of driving under the influence.

(2) The applicant contends since their discharge they have made serious of strides. They have worked to ensure stability and identify more effective ways to address their mental health. They are presently enrolled in behavioral health services to ensure they remain proactive in identifying any mental, physical, or emotional concerns. They have acquired civilian employment and sough enrollment into college. The Board recognizes and appreciates the applicant's service, considered this contention during board proceedings along with the totality of the applicant's service record, and determined that the applicant's length and quality of service, and MDD diagnosis, outweighed the applicant's offense of driving under the influence and relief was warranted.

(3) The applicant contends they believe they have proven themselves to be of good character during this post separation process. The Board considered this contention and determined that relief was warranted based on the applicant's MDD mitigating the offense of driving under the influence.

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 determined the basis for the applicant's separation was Driving Under the Influence (DUI). The Board concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (MDD and Adjustment Disorder) mitigates the basis of separation (DUI) 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 reentry 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 because the applicant's MDD mitigated the applicant's misconduct of driving under the influence.

(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.

10. Board Action Directed:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to :** No Change
- e. **Change Authority to:** AR 635-200, paragraph 14-12a

Authenticating Official:

3/19/2026

