

1. Applicant's Name: [REDACTED]**a. Application Date:** 21 June 2022**b. Date Received:** 28 June 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 intents were never to harm anyone and acknowledged deep remorse for the driving under the influence of alcohol (DUI) incident which led to their general (under honorable conditions) discharge. They assert the misconduct was isolated, have since completed all legal and rehabilitative requirements, maintained sobriety and continued personal and professional development, and request an upgrade in light of their overall character, service-connected conditions, and demonstrated rehabilitation.

c. Board Type and Decision: In a records review conducted on 17 March 2026, and by a 2-1 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service as well as 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) / AR 635-200, Chapter 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 9 April 2021

c. Separation Facts: The case separation files were partially stored in the Army Military Human Resource Record (AMHRR) and the available details are provided below.

(1) Date of Notification of Intent to Separate: Undated / Unsigned

(2) Basis for Separation: On 6 September 2020, the applicant was driving while under the influence of alcohol (DUI).

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

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

- a. **Date / Period of First Reenlistment Under Review:** 16 April 2020 / 6 years
- b. **Age at Enlistment / Education / GT Score:** 31 / Bachelor's Degree / 134
- c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 91B20 Wheeled Vehicle Mechanic / 4 years, 6 months, 21 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** AAM, AGCM, NDSM, GWOTSM, NCOPDR, ASR
- g. **Performance Ratings:** Sergeant, 1 February 2020 – 31 January 2021 / Qualified
- h. **Disciplinary Action(s) / Evidentiary Record:** The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions (FLAG)) on 8 September 2020, for adverse action (AA) and field-initiated involuntary separation (BA). A General Officer Memorandum of Reprimand (GOMOR), dated 8 December 2020, imposed a reprimand for driving under the influence of alcohol (DUI). On 6 September 2020, the applicant struck another vehicle while under the influence of alcohol. Following the collision, the applicant failed a series of Standard Field Sobriety Tests and later, the applicant's blood testing revealed their blood alcohol concentration (BAC) registered at 0.14%, nearly twice the legal limit. The applicant provided a self-authored statement revealing their ex-fiancé ended their relationship and they consumed more alcohol than normal in an effort to cope. The approval authority directed the reprimand be placed in AMHRR.
- 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: The applicant provided a summary of their alcohol and drug treatment, dated 22 December 2020, which reflects they were enrolled in the Substance Use Disorder Care Clinic (SUDCC) on 9 September 2020 for alcohol misuse treatment, with a sober date of 6 September 2020, and has remained compliant with treatment, attended seven sessions, completed required assignments, and had no positive urinalysis results since enrollment. The applicant was progressing through the Starting Recovery with Relapse Prevention Program, with a "good" prognosis for continued success and an anticipated completion date of 30 June 2021. Treatment included education on substance abuse risks, relapse prevention, coping and self-management skills, legal consequences, relationship impacts, stress management, spirituality, goal setting, and development of an aftercare plan.

A partially undated Veterans Affairs rating decision reflects the applicant was awarded a 50% service-connected disability rating for insomnia, manifested by anxiety, chronic sleep impairment, difficulty adapting to stressful circumstances, difficulty establishing and maintaining effective work/social relationships, and occupational/social impairment with occasional decrease in work efficiency and intermittent periods of inability to perform occupational tasks, although generally functioning satisfactorily with normal routine behavior, self-care, and conversation.

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Veterans Affairs Partial Rating Decision; Certificate of Release or Discharge from Active Duty; Self-Authoring Statement; Army Substance Abuse Program Summary Letter

a. POST SERVICE ACCOMPLISHMENTS: The applicant has completed all legal and rehabilitative requirements, maintained sobriety, and demonstrated continued personal and professional development, and is service-connected, reflecting clear evidence of rehabilitation.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. 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. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

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:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable 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.

g. Army Regulation 635-200 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. 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 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.

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 14-12C, Misconduct (Serious Offense).

7. 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.

(1) An unauthenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged under the provisions of AR 635-200, Chapter 14-12C for misconduct (serious offense) with a general (under honorable conditions) characterization of service. In September 2020, the applicant struck a car while driving under the influence of alcohol and later received a GOMOR. The applicant revealed in a self-authored statement, their ex-fiancé ended their relationship and they drank more alcohol than normal to cope. The reprimand was permanently filed in their AMHRR and the applicant was flagged for

involuntary separation. They served 11 months and 24 days of a 6-year reenlistment contractual obligation.

(2) The applicant contends they were diagnosed with service-connected insomnia manifested by anxiety, chronic sleep impairment, difficulty adapting to stressful circumstances, and occupational and social impairment, and assert the misconduct leading to discharge was closely related to these conditions.

(3) A partially undated VA rating decision reflects the applicant receives a 50% service-connected disability rating for insomnia with anxiety, resulting in chronic sleep impairment and occupational and social impairment with reduced work efficiency.

b. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

8. 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: Generalized Anxiety Disorder (GAD).

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant is 100% Service Connected (SC) with 50% for Generalized Anxiety Disorder (GAD).

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board applied liberal consideration and opined that the applicant asserts that the misconduct was directly related to a mental health condition. During service, they attended Command-directed SUDCC treatment consistently after receiving the DUI. They were diagnosed with Alcohol Dependence and records are void of other mental health diagnoses. After service, they were 100% SC with 50% SC for Neurosis (or Generalized Anxiety Disorder (GAD)). On the Mental Disorder DBQ dated April 23, 2021, the VA provider wrote "anxiety subsumed in the Alcohol Use Disorder diagnosis and related to early recovery." Though they were diagnosed with SC GAD after service by the VA, there is insufficient evidence of anxiety spectrum symptoms predating the DUI and of symptoms not being a result of alcohol abuse and/or the DUI. Alcohol Dependence or Abuse alone cannot mitigate misconduct without a comorbid MH diagnosis. Thus, the BoS is not medically mitigated.

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends they were diagnosed with service-connected insomnia manifested by anxiety, chronic sleep impairment, difficulty adapting to

stressful circumstances, and occupational and social impairment, and assert the misconduct leading to discharge was closely related to these conditions. The Board considered this contention and found no connection with the applicant's MH diagnosis and the DUI event that led to discharge. The Board did grant relief as the applicant's length and quality of service outweighed the single DUI event.

d. The Board determined the original discharge is inequitable and grant partial relief. The medical advisor concluded that the applicant's misconduct was not medically mitigated. The advisor noted insufficient evidence that a diagnosed Mental Health (MH) Condition existed prior to the DUI offense or that the symptoms were independent of alcohol abuse. However, the majority applied liberal consideration to the applicant's record of service. It was determined that the applicant's positive contributions—including their overall length and quality of service, combined with their post-service accomplishments—substantially outweighed the single instance of misconduct. Based on this holistic review, the majority concluded that upgrading the discharge to Honorable was equitable and just. The Board granted relief, upgrading the discharge to Honorable and changing the Separation Code to JKN. The Board voted not to change the reentry code based on the applicant's MH Condition. The dissenting member voted to uphold the original discharge, reasoning that the severity of the DUI offense warranted the initial characterization of service and the applicant's positive factors were insufficient to mitigate the misconduct.

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 overall length and quality of service, combined with their post-service accomplishments outweighed the applicant's misconduct of DUI. 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

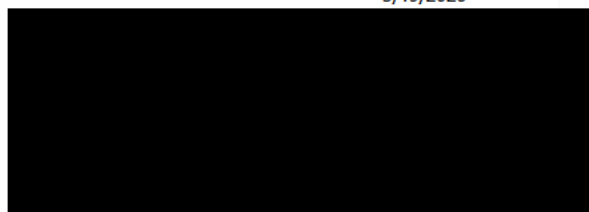
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9. BOARD ACTION DIRECTED:

- 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:

3/19/2026



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