

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 1 May 2023
- b. **Date Received:** 8 May 2023
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests a change to Honorable and a change of their separation code and reentry code.

(2) The applicant seeks relief contending they didn't start having mental health issues until they returned from Afghanistan. They experienced life-threatening situations while taking part in combat operations, which led to their onset of Post Traumatic Stress Disorder (PTSD). The Department of Veterans Affairs (VA) gave them an 80-percent combined disability rating related to their injuries, including PTSD.

(3) Their misconduct was not willful; they didn't know how much Afghanistan (post war) had affected them until they got home. It wasn't until they sought medical help that they understood why they had started using alcohol as a coping mechanism to mask their emotional behavior and mental health issues.

(4) Their misconduct was not persistent. Their incident was an isolated event and they did not have issues before and after this incident within their four years and five months of service. They take full responsibility. Prior to receiving medical attention, they believed drinking alcohol was their only way to cope with what they experienced in Afghanistan. Their service was otherwise honest, faithful and meritorious. They received many decorations and have great performance evaluations.

b. Board Type and Decision: In a records review conducted on 11 September 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's diagnosed PTSD and Unspecified Anxiety Disorder, which outweighed the offense of DUI. 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 available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Serious Offense) / Army Regulations 635-200, Paragraph 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 21 February 2017

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 1 February 2017

(2) Basis for Separation: arrested for Driving Under the Influence (DUI) on 5 June 2016 on Fort Campbell, KY, with a Blood Alcohol Content of 0.185.

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

(4) Legal Consultation Date: 2 February 2017

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 10 February 2017 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment: The applicant extended the most recent enlistment by a period of eight months on 2 July 2015, giving the applicant a new Expiration Term of Service (ETS) of: 8 January 2018.

b. Age at Reenlistment / Education / GT Score: 22 / HS Diploma / 94

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 4 years, 11 months, 3 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (1 July 2014 – 23 February 2015)

f. Awards and Decorations: ACM-2CS, ARCOM, AAM-2, AGCM, NDSM, GWTSM, ASR, OSR, MOVSM, NATOMDL, CIB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 4856 (Developmental Counseling Form) dated 5 June 2016 reflects the applicant received event-oriented counseling from their platoon sergeant for DUI. The Key Points of Discussion reflects on 5 June 2016, the applicant was arrested entering Fort Campbell for DUI. They were taken to the Provost Marshal Office where officers administered a breathalyzer with the results of 0.185. The platoon sergeant stated the applicant will be command referred to the Army Substance Abuse Program (ASAP). [Note: only page one is in evidence for review.]

(2) A memorandum, Headquarters and Headquarters Company, 1st Battalion, 187th Infantry Regiment (Rear)(Provisional), 3rd Brigade Combat Team (Rear)(Provisional), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 1 February 2017, reflects the applicant's company commander notified them of their intent to separate them under the provisions of Army Regulation 635-200, paragraph 14-12c, for misconduct described above in paragraph 3c(2). The company commander recommended the applicant's characterization of service as General

(Under Honorable Conditions). On the same date, the applicant acknowledged the basis for the separation and of the right available to them.

(3) On 2 February 2017, the applicant completed their election of rights. They acknowledged they have been afforded the opportunity to consult with appointed counsel and waived their right to consult with an attorney. They understood they are not entitled to have their case heard by an administrative separation board. [Note: only page one is in evidence for review.]

(4) A memorandum, Headquarters and Headquarters Company, 1st Battalion, 187th Infantry Regiment (Rear)(Provisional), 3rd Brigade Combat Team (Rear)(Provisional), subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 2 February 2017, the applicant's company commander recommended the applicant be separated from the Army prior to the expiration of their current term of service.

(5) A memorandum, Headquarters, 626th Brigade Support Battalion, 3rd Brigade Combat Team (Rear)(Provisional), 101st Airborne Division (Air Assault), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 8 February 2017, the applicant's battalion commander recommended the applicant be separated from the Army prior to the expiration of their current term of service and their service be characterized as General (Under Honorable Conditions).

(6) A memorandum, Headquarters, 3rd Brigade Combat Team (Rear)(Provisional), 101st Airborne Division (Air Assault), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 10 February 2017, the separation authority reviewed the separation packet of the applicant. After careful consideration of all matters, the commander directed the applicant be separated from the Army prior to the expiration of current term of service. The commander directed the applicant's service be characterized as General (Under Honorable Conditions). The commander states after reviewing the rehabilitative transfer requirements determined the requirements do not apply to this action.

(7) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 21 February 2017, with 4 years, 11 months and 3 days of net active service this period. The DD Form 214 shows in:

- item 18 (Remarks) – 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
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)

d. Lost Time / Mode of Return: NA

e. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor. See “Board Discussion and Determination” for Medical Advisor Details.

(1) **Applicant provided:** A VA Decision Letter reflecting an issue/contention of PTSD, assigned a 50-percent evaluation.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with statement
- excerpts of Service Record
- U.S. District Court, Judgement in a Criminal Case
- Public Service Agency, Notice of Completion Certificate [DUI Program]
- three VA Letters

6. POST SERVICE ACCOMPLISHMENTS: DUI Program, licensed by the California Department of Alcohol and Drug Programs.

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

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10 U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

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

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to VA determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

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

c. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) dated 19 December 2016, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. This regulation provided the authority and general provisions governing the separation of Soldiers before expiration term of service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(1) An Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) A General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) establishes policy and prescribes procedures for separating personnel for misconduct because of minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, and absence 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 (Commission of a Service Offense), stated 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.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

e. 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 14-12c, misconduct (serious offense).

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 DoD Instruction 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 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement.

h. Manual for Courts-Martial, United States (2016 Edition) stated, military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good order and discipline in

the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 111 (Drunk or reckless operation of vehicle).

8. SUMMARY OF FACT(S):

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

b. A review of the available evidence provides the applicant was charged with a DUI and was involuntary separation from the Army. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of General (Under Honorable Conditions). The applicant completed 4 years, 11 months, and 3 days of net active service this period and completed their first full term of service.

c. 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. Characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate. An honorable characterization of service is generally required when the Government initially introduces limited-use evidence.

d. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

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

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

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with Unspecified Anxiety Disorder and is service connected by the VA for PTSD. Service connection establishes that the applicant's PTSD existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of mitigating BH conditions. The applicant was diagnosed in service with Unspecified Anxiety

Disorder and is service connected by the VA for PTSD. Given the nexus between PTSD, Anxiety, and using substances for self-medication, the DUI that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Considering the applicant's in-service diagnosis of Anxiety Disorder and VA service connection for PTSD, along with their strong service record, the Board finds these conditions outweigh the misconduct and render the discharge inequitable.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends they didn't start having mental health issues until they returned from Afghanistan. They experienced life-threatening situations while taking part in combat operations, which led to their onset of PTSD. The Board considered this contention and found it consistent with the applicant's service-connected diagnosis of PTSD.

(2) The applicant contends the VA gave them an 80-percent combined disability rating related to their injuries, including PTSD. The Board considered this contention and found it consistent with the applicant's service-connected diagnosis of PTSD.

(3) The applicant contends their misconduct was not willful; they didn't know how much Afghanistan (post war) had affected them until they got home. It wasn't until they sought medical help that they understood why they had started using alcohol as a coping mechanism to mask their emotional behavior and mental health issues. The Board considered this contention and noted that the DUI incident was isolated within an otherwise stable service record.

(4) The applicant contends their misconduct was not persistent. Their incident was an isolated event and they did not have issues before and after this incident within their four years and five months of service. They take full responsibility. Prior to receiving medical attention, they believed drinking alcohol was their only way to cope with what they experienced in Afghanistan. The Board considered this contention and recognized the applicant's honorable performance, decorations, and evaluations, which reinforced the inequity of the discharge in light of their service-connected conditions.

(5) The applicant contends their service was otherwise honest, faithful and meritorious. They received many decorations and have great performance evaluations. The Board considered this contention and found it supported by the applicant's record of awards, decorations, and strong performance evaluations.

d. The Board determined the discharge is inequitable based on the applicant's PTSD outweighed the applicant's DUI. 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. However, the applicant may request a personal appearance hearing to address further issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

e. Rationale for Decision:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20230008611

(1) The Board voted to upgrade the applicant's discharge to Honorable. The DUI was mitigated by the applicant's diagnosed Anxiety Disorder and service-connected PTSD, which were present during service and linked to the misconduct.

(2) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts.

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

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

9/29/2025



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

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