

1. Applicant's Name: [REDACTED]

- a. Application Date: 16 October 2023
- b. Date Received: 23 October 2023
- c. Counsel: None.

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

- a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is under honorable conditions (general). The applicant requests an upgrade to honorable and a narrative reason change.

The applicant states in effect, they were going through a divorce and Covid was active during that time. When they tried to receive mental health, they were not given guidance on where to receive healthy coping skills. They resorted to drinking to cope, unfortunately they received a DUI that was reduced to reckless driving. They tried to receive help through their chain of command (COC), but they were brushed to the side. They never had any negative actions on their record, they were an outstanding leader that unfortunately made a terrible mistake. They deeply regret their decision to drink and drive, it was unprofessional and out of character. They took pride in being a soldier, they miss active duty every day.

- b. **Board Type and Decision:** In a records review conducted on 4 December 2024, and by a 5-0 vote, the board determined the discharge is inequitable based on the applicant's MDD mitigating the applicant's alcohol offense. Therefore, the board voted to grant relief in the form of an upgrade of the characterization of service to honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason to Misconduct (Drug Abuse), with a corresponding separation code of JKK, with no change to the reentry code.

Please see Section 9 of this document 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) / AR 635-200, CH 14-12c / JKQ / RE-3 / Under Honorable Conditions (General)

- b. **Date of Discharge:** 27 May 2021

- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 29 March 2021

(2) Basis for Separation: On 22 November 2020 the applicant was stopped at the Joint Base Lewis-McChord gate because they showed signs of intoxication. The gate guard administered a preliminary breath test which determined their BAC was .221. Additionally, on 27 December 2020 they were in an accident, which resulted in a hit and run. The first breath sample registered determined their BAC was .223. During the incident the applicant called 9-11 stating they had a .40 caliber handgun, drunk and suicidal.

- (3) Recommended Characterization:** General, under honorable conditions.

(4) Legal Consultation Date: Waived, 26 March 2021

(5) Administrative Separation Board: N/A

(6) Separation Decision Date / Characterization: 19 April 2021 / General, under honorable conditions.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 22 September 2015 / 6 years, 30 weeks.

b. Age at Enlistment / Education / GT Score: 18 / High School Diploma / 101

c. Highest Grade Achieved / MOS / Total Service: E-5 / 25Q20 Multichannel Transmission System Operator-Maintainer / 5 years, 7 months, 23 days.

d. Prior Service / Characterizations: None.

e. Overseas Service / Combat Service: South Korea / None.

f. Awards and Decorations: ARCOM, AAM-5, AGCM, NDSM, KDSM, NCOPDR, ASR

g. Performance Ratings: 20180601 – 20181210; Most Qualified
20181211 – 20200107; Most Qualified
20200108 – 20210107; Not Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) A Developmental Counseling Form dated 26 June 2020 provides the applicant requested a self-referral to ASAP.

(2) A summary of incident document provides on 22 November 2020 the applicant was pulled over by military police and charged with driving under the influence of alcohol after they blew over the legal limit during a breathalyzer test. The applicant failed a second breathalyzer test at the station.

(3) A Developmental Counseling Form provides the applicant was counseled on 23 November 2020 for failing a field sobriety test on 22 November 2020 with a BAC of 0.223. They were re-enrolled in SUDCC to address their sobriety and get the help needed.

(4) On 24 November 2020 the applicant was enrolled in mandatory substance use disorder (SUD) treatment.

(5) A Lacey Police Department arrest report provides the applicant was arrested on 27 December 2020 for driving under the influence and for a hit and run attended. Their BAC registered at .220.

- The applicant hit community mailboxes in a residential area, their vehicle was found parked in a residential driveway with a mailbox wedged underneath.
- The applicant admitted to driving drunk, and they retrieved their handgun and wanted to kill themselves because they knew they were going to be arrested.

(6) On 29 March 2021 the applicant's immediate commander notified them of their intent to separate them for commission of a serious offense. The commander recommended a General (under honorable conditions) characterization of service. The applicant acknowledged the commander's notification and basis for separation, they waived consulting with counsel and completed their election of rights.

(7) On 12 April 2021 the chain of command endorsed and concurred with the commander's discharge recommendation and on 19 April 2021 the appropriate authority approved the separation and directed a General, under honorable conditions characterization of service.

(8) A Certificate of Release or Discharge from Active-Duty document provides the applicant was discharged on 27 May 2021, they completed 5 years, 7 months, and 23 days of their contractual obligation.

i. Lost Time / Mode of Return: None.

j. Behavioral Health Condition(s):

(1) Applicant provided: None.

(2) AMHRR Listed: Alcohol use disorder, opioid use disorder.

5. APPLICANT-PROVIDED EVIDENCE: A DD Form 149 (Correction of Military Record) application.

6. POST SERVICE ACCOMPLISHMENTS: None submitted in support of their 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. Multiple Department of Defense 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 Department of Veterans Affairs (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), 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.

d. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel provides the authorized types of characterization of service or description of separation.

(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) An Under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain

circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(4) Except as otherwise indicated in this regulation, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated. In this regard, commanders will ensure that adequate counseling and rehabilitative measures are taken before initiating separation proceedings for the following reasons. Rehabilitative requirements are not required for individuals separated under Chapter 14-12c.

- Involuntary separation due to parenthood
- Personality disorder
- Other designated physical or mental conditions
- Entry-level performance and conduct
- Unsatisfactory performance
- Minor disciplinary infractions or a pattern of misconduct
- Failure to meet body fat standards

(5) 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. A soldier subject to this discharge under this regulation will be considered and processed for discharge even though he/she has filed an appeal or has stated his/her intention to do so. 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.

(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.

e. 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. It provides 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 missions. Individuals who do not self-refer for treatment and are subsequently identified as positive for controlled substances for which they do not have a valid prescription may be considered in violation of the UCMJ for drug misuse/abuse.

f. 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).

g. 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
- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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

8. SUMMARY OF FACT(S): 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 DD-214 provides that the applicant received a General (under honorable conditions) characterization of service, rather than an under other than honorable conditions (UOTCH) discharge which is normally considered appropriate for a soldier discharged for serious misconduct.

b. Based on the available evidence the applicant enlisted in the army at the age of 18, five years after they enlisted, they were charged with driving under the influence of alcohol and were enrolled in mandatory SUD treatment. One month after their first DUI incident the applicant was arrested for driving under the influence and were subsequently processed for administrative separation.

c. The applicant was notified of the intent to separate them for commission of a serious offense, they acknowledged they understood the basis for separation under the provisions AR 635-200, CH 14-12c, they waived consulting with counsel and the appropriate authority approved the separation. A DD Form 214 shows they were discharged with an under honorable conditions (general) characterization of service on 27 May 2021.

d. Chapter 14 establishes policy and prescribes procedures for members being separated 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.

e. 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: Substance disorders in-service, MDD and subsumed diagnoses, asserted PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** Substance disorders and depressive symptoms with suicidality, asserted PTSD.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the presence of depressive symptoms to the extent he experienced suicidality in-service with progression to service connected MDD and association between depression and substance abuse, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration all the evidence including the Board Medical Advisor opine, the board determined that the applicant's MDD outweighed the basis of separation - Misconduct (serious offense - substance abuse).

b. Response to Contention(s):

(1) The applicant contends they were not given guidance on where to receive healthy coping skills. The board considered this contention and after a comprehensive review of the applicant's military records, the board found no evidence of arbitrary or capricious action by the command. The records indicate that five years into their service, the applicant was charged with driving under the influence (DUI) of alcohol, resulting in mandatory enrollment in Substance Use Disorder Clinical Care (SUDCC) treatment. Nevertheless, the board decided to grant relief and upgrade the characterization of service to honorable, modify the narrative reason for separation to "Misconduct (Drug Abuse)" with a corresponding separation code of JKK, while maintaining the existing reentry code.

(2) The applicant contends they tried to receive help through their chain of command, but they were brushed to the side. The board considered this contention and after careful deliberation and a thorough examination of the applicant's comprehensive military records, the board found no substantiation for the claim of arbitrary or capricious action by the command. Furthermore, the board concluded that neither the applicant's official record nor the applicant did not submit any additional evidence for the board to consider. However, the board voted to grant relief as outlined above in paragraph 9b (1).

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c. The board determined the discharge is inequitable based on the applicant's MDD mitigating the applicant's alcohol offense. Therefore, the board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a. the narrative reason to Misconduct (Drug Abuse), with a corresponding separation code of JKK, with no change to the reentry code:

d. Rationale for Decision:

(1) The board voted to change the applicant's characterization of service to Honorable because the applicant's MDD mitigated the applicant's DUI because of the connection between trauma reactions and self-medicating with substances. Thus, the prior characterization is no longer appropriate.

(2) The board voted to change the reason for discharge to Misconduct (Drug Abuse) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKK.

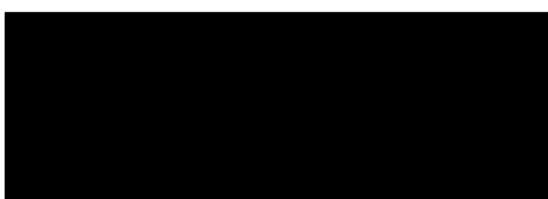
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Misconduct (Drug Abuse)/JKK
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, Paragraph 14-12c (2)

Authenticating Official:

6/23/2025



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