

**UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD**  
**Docket #: 2024-013**

**Discharge Issued**

**Character:** Under Honorable Conditions (General)

**Narrative Reason:** Misconduct

**SPD/RE Code:** JKQ / RE4

**Authority of Discharge:** COMDTINST M1000.4 CH 1.B.17

**Date of Separation:** 2022-08-22

**DRB Decision**

**Character:** No Change

**Narrative Reason:** No Change

**SPD/RE Code:** No Change / No Change

**New Authority:** No Change

**Discharge Review Board Discussion and Decision:**

**ISSUES:** The applicant seeks an upgrade to their discharge character of service from Under Honorable Conditions (General) to Honorable. The applicant states that they were suffering from post-traumatic stress disorder (PTSD) and other mental health issues while in service and self-medicated to cope with the stress. The applicant stated they made one mistake and attempted to rectify that mistake by participating in a mandatory six-week outpatient substance abuse program. The applicant states they were an honorable service member despite their one mistake. The applicant does not directly claim an impropriety or inequity; however, the Board has examined whether an inequity exists in awarding the applicant an Under Honorable Conditions (General) discharge, considering their mental health claims.

**DISCUSSION:** The applicant was discharged for misconduct after being arrested for drunk driving. The applicant was stopped by police for speeding and was found, due to probable cause, to be operating a motor vehicle under the influence of alcohol. The applicant was transported to the police station where they submitted a breath sample indicating a blood alcohol content over the legal limit.

The applicant was processed for discharge for misconduct owing to the commission of a serious offense in accordance with COMDTINST M1000.4 Article 1.B.17. They were advised of the intent to discharge in a memo and advised of their right to seek counsel due to being considered for an Under Honorable Conditions (General) discharge. The applicant did not object to the discharge. Commander, CG-PSC established under a preponderance of evidence that the applicant committed a serious offense in violating Article 113 UCMJ by driving drunk and supported their finding with the arrest of the applicant by police. The maximum penalty for the commission of a serious offense includes a punitive discharge. The applicant ultimately received a Under Honorable Conditions (General) discharge with a narrative reason of misconduct, a Separation Program Designator (SPD) Code of JKQ, and a Reentry Code of RE4. In accordance with 10 U.S.C. § 1553, and as a result of the applicant's claim of PTSD and other mental health condition, a member who is a physician, clinical psychologist, psychiatrist or clinical social worker

that provides clinical care and works within the scope of clinical privileges granted by Commandant (CG-11), was present during the board proceedings. Additionally, and pursuant to 10 U.S.C. § 1553, the Board reviewed the case with liberal consideration that a mental health condition, including PTSD or other mental health condition, potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

The review of discharge pursuant to the Kurta Memo and its other applicable regulations and guidance involves the following four questions:

#### MEDICAL BOARD MEMBER OPINION

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

YES. As asserted by the applicant via DD293, the applicant contests complications with self-medication of PTSD symptoms as the reasoning for the misconduct. The supportive medical documentation source comes from the mandated outpatient treatment associated with the DUI and there is no noted diagnosis provided.

2. Did that condition exist/experience occur during military service?

UNKNOWN. Outside of the assertion of the applicant, the documentation submitted does not provide specific detail connecting any of the applicant's asserted diagnoses to military service as the nexus for the condition.

3. Does that condition or experience actually excuse or mitigate the discharge?

NO. Without clarification of etiology and timeline of PTSD behavior, there cannot be a conclusive nexus between substance use and mental health symptom management.

4. Does that condition or experience outweigh the discharge?

NO. While the mental health conditions listed may mitigate a discharge for misconduct, the lack supportive documentation makes it impossible to draw a nexus between the listed mental health conditions and the applicant's discharge due to misconduct.

The Board concurs with the assessment of the mental health professional and finds that applicant's discharge was proper and equitable even when considering the Kurta Memo and in the lens of liberal consideration. The Board examined the applicant's separation under COMDTINST M1000.4 Article 1.B.17 for the commission of a serious offense and found no errors of fact, law, discretion, or procedure. Commander, PSC properly found under a preponderance of the evidence that the applicant committed a violation of Article 113 of the UCMJ which carries as a penalty, a punitive discharge. The applicant was properly awarded an Under Honorable Conditions characterization in accordance with COMDTINST M1000.4 Article 1.B.2.f. The Separation Program Designator (SPD) Code, Reentry Code, and narrative of Misconduct were all properly awarded in accordance with the SPD Handbook. There have been no relevant policy changes made expressly retroactive to this type of discharge and the applicant has not made any direct inequity claims. The discharge of the applicant was justified and consistent with the standards of discipline. The Board finds no issues concerning the propriety or equity of the discharge.

RECOMMENDATION: The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's discharge characterization is appropriate and should not be changed. The applicant has not substantiated any error or inequity.

Propriety: Discharge was proper.

Equity: Discharge was equitable.

Board Conclusion: The Board voted 4-0 for NO RELIEF

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<sup>2</sup> In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence (to include evidence submitted by the Applicant) to rebut the presumption.