

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2025

DOCKET NUMBER: AR20240013453

APPLICANT REQUESTS:

- reconsideration of his prior request for an upgrade of his under other than honorable conditions discharge to under honorable conditions (general)
- a change in his narrative reason for separation (misconduct – drug abuse) to read (misconduct) or leave blank

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- Self-Authored Statement
- Character Letters (3)
- Newspaper Article
- Certificates of Achievement (3)
- Honorary Member Certificate
- Safety Award Letter
- Safe Drive Certificates (2)
- Certificate of Merit

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20230009561 on 16 April 2024.

2. The applicant states that his under other than honorable conditions discharge from Fort Hood, TX in 1987 was the result of systemic failures in leadership and due process rather than an isolated misconduct. After more than 15 years, he explains that pervasive racial discrimination, exclusion from leadership opportunities after his promotion to Sergeant, and a total lack of counseling or documentation by his chain of command left him unsupported and isolated. Despite an established Drug and Rehabilitation Program at Fort Hood, he was never referred for treatment, and widespread drug use on the base contextualizes his involvement as part of a broader issue. His demotion from sergeant to private and subsequent discharge were carried out without warnings, hearings, or any chance to defend himself. He respectfully requests that the Board

consider this new evidence, upgrade his discharge, and correct his military records to reflect the Soldier he truly was and could have been under fair treatment and leadership.

3. The applicant provides:

a. Three-character letters from Dr. CG, Mr. MF, and Ms. KS, who states the applicant embodies unwavering integrity, reliability and compassion. They highlight how he transformed the lives of at-risk youth by modeling discipline and offering patient, empathetic guidance; how he volunteered tirelessly at a family-focused equestrian training center organizing events, mentoring newcomers and ensuring smooth operations; and how he consistently went the extra mile in a fast-paced transportation role, tackling early starts and complex logistics with a positive, can-do attitude. Across every setting, his loyalty to others, capacity to learn quickly and genuine kindness shine through. His record of service, leadership, and personal growth makes clear that he is a person of exceptional character.

b. An article titled, "Drug, Alcohol briefing begins at Inprocessing," published at Fort Hood, TX on 21 February 1985.

c. A certificate of training, three certificates of achievement, honorary member certificate, safety award letter, two safe award certificates, and a certificate of merit.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 6 July 1979.

b. His foreign service includes the following:

- Germany from 25 September 1981 to 17 October 1982
- Korea from 20 February 1984 to 22 February 1985

c. He accepted non-judicial punishment on the following dates:

- 12 March 1987 – one specification of wrongful possession of cocaine, one specification of wrongful use of marijuana, and one specification of being absent without leave (AWOL) from 31 December 1986 through 5 January 1987; his punishment included reduction to specialist (SPC), E-4
- 23 April 1987– one specification of wrongful use of marijuana and one specification of dereliction of duties; his punishment included reduction to private (PVT), E-1
- 13 July 1987– one specification of wrongful use of marijuana

d. On 24 April 1987, the applicant's commander notified him of his intent to separate him under the provisions of Army Regulation (AR) 635-200 (Personnel Separation – Enlisted Personnel), Chapter 14-12 b and d, due patterns of misconduct and abuse of illegal drugs. He acknowledged receipt of the notification on 29 April 1987. The reasons for his proposed action were based on wrongful possession of cocaine, wrongful use of marijuana and cocaine, financial irresponsibility and for his absence without leave (AWOL).

e. He was advised by consulting counsel of the basis for the contemplated action to separate for abuse of drugs and misconduct under the provisions of chapter 14-12d, AR 635-200, and its effects; of the rights available to him; and the effects of any action by him waiving his rights.

f. The immediate commander initiated separation action against the applicant under the provisions of AR 635-200, Chapter 14-12b and d, for patterns of misconduct and abuse of illegal drugs. The commander recommended an under other than honorable conditions discharge. The intermediate commander recommended approval.

g. On 15 July 1987, the separation authority approved the discharge recommendation for immediate separation under the provisions of AR 635-200, Chapter 14, paragraph 14-12b and d for patterns of misconduct and abuse of illegal drugs. He would be issued an under other than honorable conditions characterization of service.

h. On 6 August 1987, he was discharged from active duty with an under other than honorable conditions characterization of service. His DD Form 214 shows he completed 7 years, 11 months, and 23 days of active service with 12 days of lost time. He was assigned separation code JKK and the narrative reason for separation listed as "Misconduct-drug abuse." It also shows he was awarded or authorized:

- Army Achievement Medal with 4 oak leaf clusters
- Army Good Conduct Medal with 2 bronze loops
- Non-Commissioned Officer Professional Development Ribbon with numeral 1
- Expert Marksmanship Qualification Badge with Rifle
- Driver and Mechanic Badge with Driver "W" Bar

5. On 16 April 2024 the ABCMR rendered a decision in Docket Number AR20230009561. The Board found the applicant was discharged due to misconduct following a series of serious misconduct to include multiple failed urinalysis. The Board further noted the applicant received the appropriate narrative reason for separation considering his drug abuse misconduct. Additionally, the applicant provided no evidence of post-service achievement or letters of reference of a persuasive nature in support of a clemency determination. The Board determined that the character of service and narrative reason for separation received upon separation was not in error or unjust.

6. There is no evidence the applicant applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

7. In reaching its determination, the Board can consider the applicant's petition and his service record in accordance with the published equity, injustice, or clemency determination guidance.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. One possible outcome was to deny relief based on the applicant's misconduct for drug abuse. However, the Board majority found the applicant's post service accomplishments, community service since his discharge, and his character letters to be noteworthy and compelling.

2. The Board found sufficient evidence of in-service mitigating factors for the misconduct to grant relief. The Board granted relief and determined that the discharge characterization was mitigated and should be upgraded to under honorable conditions (general) with his narrative reason for discharge and corresponding separation code changed to secretarial authority.


BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	:	XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	XX	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant amendment of the ABCMR's decision in Docket Number AR20230009561 on 16 April 2024. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 6 August 1987 to show in:

- item 24 (Character of Service): Under Honorable Conditions (General)
- item 25 (Separation Authority): Army Regulation 635-200
- item 26 (Separation Code): JFF
- item 28 (Narrative Reason for Separation): Secretarial Authority


X //SIGNED//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, USC, Section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. The information entered thereon reflects the conditions as they existed at the time of separation. Block 28 (Narrative Reason for Separation) is based on regulatory or other authority and can be checked against the cross reference in AR 635-5-1 (Separation Program Designators (SPD)).

3. Army Regulation 635-5-1 (Separation Program Designators) provides separation program designator (SPD) codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The narrative reason for the separation will be entered in block 28 of the DD Form 214 exactly as listed in the appendices. SPD code JKK is listed with narrative reason "Misconduct – drug abuse," under regulatory authority AR 635-200, Chapter 14.

4. Army Regulation 635-200 (Personnel Separation – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:

a. An honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality of the member'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. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 14 established policy and prescribed procedures for separating members for misconduct. Specific categories included minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, or absences without leave. Action would be taken to separate a member for misconduct when it was clearly established that rehabilitation was impracticable or was unlikely to succeed.

5. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NRs) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. 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.

a. 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 based on equity, injustice, or clemency grounds, BCM/NRs 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.

b. 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.

//NOTHING FOLLOWS//