

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2025

DOCKET NUMBER: AR20250008448

APPLICANT REQUESTS: This case comes before the Army Board for Correction of Military Records (ABCMR) on remand from the United States Court of Federal Claims (hereinafter refer to as The Court). The Court directs the ABCMR to review the applicant's application and consider the application in light of the Court's 22 May 2025 Opinion and Order. The applicant requests:

- Apology letter from the Secretary of Defense be placed in the applicant's Army Military Human Resource Record (AMHRR)
- Constructive Service and all associated backpay from his discharge on 28 June 2022 through the end of his contract 9 February 2025
- He receive an honorable discharge rather than an under honorable conditions general discharge
- Correction of his separation code
- Correction of his reenlistment (RE) code
- Removal of the General Officer Memorandum of Reprimand (GOMOR) from his AMHRR
- Removal of any reference of misconduct related to the COVID 19 mandate
- Retroactive restoration of entitlement to any and all veterans' benefits
- Constructive service necessary to deem any contractual obligation fulfilled for any bonus and/or associated cancellation of indebtedness

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

- Court Remand
- DD Form 149 (Application for Correction of Military Record)
- Continuation of DD Form 149
- Declaration of Applicant

FACTS:

1. The applicant and his attorney state, in pertinent part:

- Thousands of servicemembers suffered adverse career consequences for noncompliance with Secretary of Defense Austin's 23 August 2021 COVID 19 vaccination mandate
- The military had no licensed mRNA products, an explicit requirement of the mandate and federal law
- The Department of Defense (DoD) substituted an available but unlicensed product in place of the licensed but unavailable one which was and is a crime
- DoD leadership forced religious members to endure a sham RA process that violated their rights
- Because the DoD did not have any licensed vaccine available for its mandate and the Secretary of Defense's order, it was impossible for the applicant to comply with the order on its own terms
- Everything that was done thereafter was legally void as the product of unlawful orders in implementation
- The DoD rubber-stamped the violation of a vast swath of religious-minded servicemembers
- Everything done to members thereafter was void
- The applicant pointed out to his command that there were no licensed vaccines
- He provided a copy of an affidavit from medical personnel in the cline of that fact
- He was still given adverse paperwork and forced to be escorted by another Soldier who was on a legal hold for possession of child pornography
- This is one small piece of the kind of illegal command directed public shaming that took place
- The applicant should be returned to the status quo ante as best is possible in order for the Board to meet its mandate of full and fitting relief including backpay commensurate with the appropriate time-in-service requirements that would have taken him through the next two years of his service
- The applicant's treatment was shameful and he should receive all emoluments, backpay, and the bonus he was entitled to, for the remaining years on his contract

2. In regard to the applicant's request for an apology letter from the Secretary of Defense be placed in his AMHRR, this request is outside the purview of this Board. In appropriate cases, the Board directs or recommends correction of military records to remove an error or injustice.

3. In regard to the applicant's request for restoration of any and all VA benefits, including Post 9/11 GI Bill benefits and the option to transfer those benefits as needed, the ABCMR does not reinstate VA benefits. In appropriate cases, it directs or recommends correction of military records to remove an error or injustice. Only the VA can determine eligibility and exact monthly Post 9/11 GI Bill benefits. The applicant's request should be addressed through VA and will not be discussed further in these

proceedings. Should the applicant become eligible for Post 9/11 GI Bill benefits in the future, he and/or counsel, may subsequently resubmit an application to the ABCMR for consideration of transfer of education benefits to beneficiaries.

4. The applicant states, in pertinent part:

- In July 2020, at the age of 29, he enlisted in the Army with a contract to go to Ranger Selection
- The contract included a \$40,000 signing bonus
- He completed basic training during the height of COVID-19
- He was injured, during basic training, but didn't appreciate how serious the injury was until he progressed into Ranger Selection
- Because of the injuries, he was medically dropped from Ranger Selection and was reassigned to an infantry unit in June 2021
- He was unvaccinated and there was not a mandate to be vaccinated
- He was sent to Romania for two months
- When he returned to his unit at Fort Hood, the COVID 19 vaccine became mandatory
- They were told they would only have to take shots that were "fully licensed" by the Food and Drug Administration (FDA)
- He agreed to take a fully licensed vaccine, but was only ever offered vaccines that had been approved under Emergency Use Authorization
- There were no fully licensed vaccines available at the clinic on Fort Hood, when he was being reprimanded
- He expressed to his leadership that the reason he was not complying with the order was because it was impossible for him to do so
- He learned that another Soldier had gotten one of the medical technicians to sign an affidavit attesting to the fact there were no fully licensed FDA vaccines at Fort Hood; the affidavit is attached to his statement
- He presented this information to his command and explain it was literally impossible to comply with the order in his appeal package to his GOMOR
- While his command was sympathetic and recommended he be allowed to remain in the Army or at the very least receive an honorable discharge, the separation authority overrode his chain of command's recommendation and separated him with an under honorable conditions (general) discharge
- He had submitted his paperwork to get paid his bonus; however, the administration shop lost the paperwork several times
- When he began being processed for disciplinary proceedings, he stopped trying to get his bonus
- He never received his promised enlistment bonus

- When he was identified as “unvaccinated” no one was interested when he tried to avail himself of the military medical system for his injuries he sustained while at Ranger Selection
- He was involuntarily separated in June 2022 with an under honorable conditions (general) discharge for commission of a serious offense
- This left him unemployed and unable to draw unemployment (due to a lack of an honorable discharge), injured, with bad paper from the military, and with no place to live
- He is still piecing his life back together
- He tried to submit his paperwork to the Discharge Review Board but received a reply that the board would not get back to him for more than two years
- He has reached out to every elected official meant to represent him and none of them have any course of action nor the willingness to pursue one

5. The applicant’s service record contains:

- On 25 February 2020, he enlisted in the Army and entered active duty in the Regular Army on 28 Jul 2020
- On 28 July 2020, he signed a Statement for Enlistment, which shows he would receive a case bonus, in the amount of \$4,000; a U.S. Army Ranger Enlistment Bonus in the amount of \$10,000; and a U.S. Army Seasonal Bonus in the amount of \$5,000
- On 2 November 2021, he received a GOMOR for failing to comply with a lawful order by failing to become fully vaccinated with a COVID 19 vaccine
- He rebutted the GOMOR by stating the approved Comirnaty vaccine was not available in the U.S.
- On 22 December 2021, the GOMOR issuing authority directed the GOMOR be placed permanently in his AMHRR
- On 22 April 2022, his commander initiated separation of the applicant for commission of a serious offense for failing to get vaccinated from COVID 19
- On 29 April 2022, he was advised of his rights and made his election of rights
- On 8 June 2022, the appropriate separation authority approved his separation and directed he be issued an under honorable conditions (general) discharge
- On 29 June 2022, he was discharged for misconduct, with an under honorable conditions (general) discharge, his separation code was JKQ and his RE code was 3
- On 12 February 2024, the Army Discharge Review Board approved his request to upgrade his discharge to honorable; a corrected DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was separated for secretarial authority with an honorable discharge, his separation code was JFF and his RE code was 1.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board determined relief was warranted. The Board found by a preponderance of the evidence that the Applicant's separation from service solely on the basis of his refusal to take the COVID-19 vaccine was an injustice. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documents, the Board made the following findings and recommendations related to the requested relief:

- Constructive Service and all associated backpay from his discharge on 28 June 2022 through the end of his contract 9 February 2025: PARTIAL GRANT. Based on available documentation, the Board recommended constructive service credit and back pay through Applicant's ETS date of February 15, 2025.
- Removal of the General Officer Memorandum of Reprimand (GOMOR) from his AMHRR: GRANT. The Board recommend removal of the General Officer Memorandum of Reprimand (GOMOR) dated 28 October 2021.
- Removal of any reference of misconduct related to the COVID 19 mandate: GRANT. The Board recommended removal of his voided DD Form 214 and all associated derogatory and allied documents related to his COVID-19 vaccine refusal from the applicant's Army Military Human Resource Record (AMHRR)
- Constructive service necessary to deem any contractual obligation fulfilled for any bonus and/or associated cancellation of indebtedness. GRANT. Based on the available documents, the Board found that Applicant would have completed his period of service such as to make him eligible for his \$25,000.00 enlistment bonus and recommended its award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

			GRANT FULL RELIEF
XX	XX	XX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected as follows:

- The General Officer Memorandum of Reprimand (GOMOR) dated 28 October 2021, and all associated allied documents, shall be removed from the applicant’s Army Military Human Resource Record (AMHRR)
- All derogatory information related to the applicant’s alleged disobedience of a lawful order—specifically in relation to the refusal to become fully vaccinated against COVID-19—shall be removed from the applicant’s AMHRR
- Applicant’s voided DD Form 214 for the period ending 29 June 2022 shall be removed from his AMHRR
- Amend Headquarters, III Corps and Fort Hood, Fort Hood Texas Orders 168 0126, 17 June 2022 to show the date of discharge as 15 February 2025 (his ETS date per his ERB)
- Awarding him constructive credit for service and find that he served through his ETS date of 15 February 2025 and amend his DD Form 214 accordingly
- Awarding him backpay, allowances and other benefits from Applicant’s date of separation of 29 June 2022 through 15 February 2025 based on his last duty location of Fort Hood, Texas and rank of E-3.
- Award him his enlistment bonus of \$25,000.00 based on completion of service in accordance with the above corrections. To the extent that the records demonstrate that he was paid any portion of his enlistment bonus and that a recoupment occurred, he shall be refunded any amounts recouped.
- Based on the above corrections to Applicant’s service record, the Board determined that the Applicant qualifies for an award of the Army Good Conduct Medal and so recommends its award.

- His DD Form 214 for the period ending 12 February 2024 be corrected as follows:
 - Item 12a (Entered Active Duty Service): 2020 02 25
 - Item 12b (Separation Date This Period): 2025 02 15
 - Item 12c (Net Active Service This Period): 04 11 22
 - Item 26 (Separation Code): MBK
 - Item 27 (Reentry Code): 1
 - Item 28 (Narrative Reason for Separation): Completion of Required Service

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any other requested relief not mentioned above.

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. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)) states the Army, by law, may pay claims for amounts due to applicants as a result of correction of military records. The ABCMR will furnish the Defense Finance and Accounting Service (DFAS) copies of decisions potentially affecting monetary entitlement or benefits. The DFAS will treat such decisions as claims for payment by or on behalf of the applicant and settle claims on the basis of the corrected military record. The applicant's acceptance of a settlement fully satisfies the claim concerned.
2. Army Regulation 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active-duty Soldiers. It is used in conjunction with the Department of Defense (DoD) Financial Management Regulation (FMR), Volume 7A. For the purpose of this regulation, active duty is defined in accordance with Title 37, United States Code (37 USC). The term "active duty" means full-time duty in the active service of a uniformed service and includes full-time training duty, annual training duty, full-time

National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary of the Army (SECARMY).

3. Title 10 (Armed Forces), United States Code (USC), section 1552 (c)(1) states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

4. Army Regulation 635-8 (Separation Processing and Documents) prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents. When a DD Form 214 has been prepared and distributed, and subsequently determined that it was prepared in error, the responsible transition center will void the DD Form 214 by memorandum. Distribute this memorandum to all addressees that received the erroneously prepared DD Form 214, advising them of the error and requesting the voided DD Form 214 be destroyed and removed from the Soldier's Army Military Human Resource Record (AMHRR).

5. On 24 August 2021, the Secretary of Defense mandated that all service members receive the COVID-19 vaccine. The Secretary of Defense later rescinded the mandate on January 10, 2023. It states, "the vaccine mandate was an unfair, overbroad, and completely unnecessary burden on our service members. Further, the military unjustly discharged those who refused the vaccine, regardless of the years of service given to our Nation, after failing to grant many of them an exemption that they should have received. Federal Government redress of any wrongful dismissals is overdue".

6. On 27 January 2025, President Donald J. Trump signed Executive Order (EO) 14184, "Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate."

7. On 6 February 2025, the Secretary of Defense issued Memorandum, "Providing Remedies for Service Members and Veterans Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate Based Executive Order."

8. On 1 April 2025, the Office of the Under Secretary of Defense issued a Memorandum for Secretaries of the Military Departments, "Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements." It provides:

a. As directed by the Secretary of Defense, the Department of Defense shall take all actions necessary to make reinstatement available to all members of the military (Active and Reserve Components) who were discharged solely for refusal to receive the coronavirus disease 2019 (COVID-19) vaccine and who request to be reinstated. The Secretaries of the Military Departments will process reinstatements for individuals either involuntarily discharged or those who voluntary left the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate, consistent with this guidance.

b. In cases where the Service member was involuntarily separated, the Secretaries of the Military Departments will contact such Service members and make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process. The BCM/NRs should exercise their broad discretion to order all appropriate retroactive corrections of the Service member's record as described in the guidance.

c. The BCM/NRs will give COVID-19 reinstatement cases priority consideration, subject to existing statutorily specified priority consideration for post-traumatic stress disorder, traumatic brain injury, and military sexual trauma.

d. The BCM/NRs, using the attached guidance in the memorandum, will assess each case to determine if an error or injustice exists within the former Service member's record and order all appropriate records corrections, which may include but is not limited to reinstatement with no break in service, restoration of the member's previous grade or rank, and credit for lost service time due to separation.

9. On 7 May 2025, the Office of the Under Secretary of Defense issued a Memorandum for Secretaries of Military Departments, "Supplemental Guidance to the Military Department Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests from Service Members Adversely Impacted by Coronavirus Disease 2019 Vaccination Requirements." It provides:

a. On January 27, 2025, the President issued reference (a), concerning the Department of Defense's since-rescinded coronavirus disease 2019 (COVID-19) vaccination mandate, which was unlawful as implemented, and "an unfair, overbroad, and completely unnecessary burden" on Service members. The Secretary of Defense has taken decisive action to execute the President's guidance to correct this injustice:

(1) All former Service members discharged solely for refusing to receive the COVID-19 vaccine may pursue reinstatement in the military, and be considered for eligibility to receive backpay; and

(2) Former Service members who attest that they voluntarily left the military or allowed their service to lapse according to appropriate procedures due to the military's previous COVID-19 vaccination mandate may pursue a return to military service.

b. In addition, some Service members were separated with less than a fully honorable discharge characterization for their refusal to take a COVID-19 vaccine, depriving them of veterans' benefits. Other Service members, who remained in service and requested religious, administrative, or medical accommodations related to the COVID-19 vaccine requirement, may still have adverse information in their records connected to those requests.

c. To remedy these harms, on April 23, 2025, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to issue additional guidance to the Military Department Review Boards concerning the review of requests from Service members and former Service members adversely impacted by the COVID-19 vaccine mandate. The following is directed:

(1) The Secretaries of Military Departments will, through their Boards for Correction of Military/Naval Records, continue to apply guidance, which was issued to facilitate the reinstatement or return of eligible individuals who wish to continue their military service.

(2) Carefully consider claims by individuals who filed formal requests for administrative or medical accommodation, including requests for religious accommodation, related to the Department's previous COVID-19 vaccine mandate, yet continued to serve. Adverse actions in a Service member's records solely associated with their refusal to take a COVID-19 vaccination or seek an exemption from that COVID-19 vaccine mandate should be removed.

d. This guidance is not intended to interfere with or impede the BCM/NRs' statutory independence, nor does it limit the Boards from considering additional claims related to harms caused by the Department's previous COVID-19 vaccine mandate and providing appropriate remedies.

e. Discharge Upgrade Requests:

(1) Service members who were involuntarily separated solely for refusing to be vaccinated, did not receive the same treatment across the Department. While some Service members were assigned "honorable" discharge characterizations, others received "general (under honorable conditions)" characterization and as a result, lost access to important educational benefits under the Post-9/11 GI Bill and the Montgomery GI Bill, and potentially other veterans benefits.

(2) To correct this injustice and enhance uniformity across the Military services, the Review Boards should generally grant a discharge upgrade request from a former Service member when:

- The former Service member was involuntarily separated
- The separation was based solely on a refusal to receive the COVID-19 vaccine; and
- There are no aggravating factors in the Service member's record, such as misconduct

(3) Review Boards should normally grant requests to upgrade the characterization of service to "honorable," change the narrative reason for enlisted separation (i.e., to "Secretarial Authority"), and change the reentry code to an immediately-eligible-to-reenter code under these specific circumstances. Officer records should be changed to have similar effect.

(4) If an applicant's military records reflect multiple reasons for involuntary separation (i.e., when separation was not solely due to the fact that the former Service member refused to receive the COVID-19 vaccine), the Review Boards should apply existing policies that require the former Service member to establish evidence of an error, impropriety, inequity, or injustice in their discharge in order to warrant relief.

f. Removal of Adverse Actions and Information Solely Associated with COVID-19 Vaccine Mandate:

(1) The Department's COVID-19 vaccine mandate also caused harms that were not reflected on separation documents. For instance, some Service members received administrative letters of reprimand, negative or inconsistent evaluations, or withholding of opportunities for Reserve Component personnel to perform inactive duty training for pay to achieve a "good year" for participation and retirement purposes.

(2) While previous guidance required the Secretaries of the Military Departments to update Service member personnel records to remove adverse actions solely associated with denials of requests for exemption from the COVID-19 vaccine mandate on religious, administrative, or medical grounds, this relief should not have been limited to Service members who formally filed an exemption request. The inadequacy of the consideration afforded to those who submitted accommodation requests undermined the faith of many Service members, and they should not be penalized for deciding not to request an exemption that had little or no likelihood of success.

(3) To ensure that present and former Service members are not penalized for pursuing religious and other exemptions to the COVID-19 vaccine mandate in good faith, the BCM/NRs will carefully consider applications by individuals who request

correction of records containing adverse information or reflecting adverse action solely associated with a request for exemption from the COVID-19 vaccination mandate, or with appeals of denials of such requests. Additionally, any present or former Service member who attests that they would have filed a request for exemption from the COVID-19 vaccine mandate were it not for the Department's very high rate of disapproval of such requests shall be evaluated as if they had requested, and been denied, such an exemption.

(4) If adverse information associated solely with a request for exemption from the COVID-19 vaccination mandate is found within an applicant's official military personnel file, the BCM/NR should, as appropriate, exercise its broad discretion to assess the potential impact on the Service member's career and correct impacted personnel records appropriately.

g. Other Harms or Injustices Suffered by Service Members Not Specifically Addressed in this Guidance:

(1) Present and former Service members may have suffered other harms from the COVID-19 vaccine mandate that are not specifically addressed in this guidance. Adverse action may include the overt withholding of favorable personnel actions, including such actions as removing individuals from approved lists to attend training or professional military education, to assume leadership positions, or to conduct a permanent change of station transfer on schedule.

(2) Many Service members may have been denied these opportunities while waiting for the adjudication of their administrative or medical exemption requests. Even more concerning, some have reported that they were pressured to voluntarily separate from the military due to their COVID-19 vaccine status, even while awaiting adjudication of their exemptions.

(3) The BCMR/NRs should exercise broad discretion in providing appropriate corrections to the records of Service members and former Service members who suffered harms resulting from the Department's COVID-19 vaccine mandate.

10. Army Regulation 600-37 (Unfavorable Information), sets forth policies and procedures to ensure the best interests of both the Army and Soldiers are served by authorizing unfavorable information to be placed in, transferred within, or removed from an individual's AMHRR.

a. Paragraph 1-1 states, in relevant part, that the intent of Army Regulation 600-37 is to ensure that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and, to ensure that the best interests of both the Army and the Soldiers are served by authorizing

unfavorable information to be placed in and, when appropriate, removed from official personnel files.

b. Paragraph 1-4 stipulates that the objectives of Army Regulation 600-37 are to apply fair and just standards to all Soldiers; protect the rights of individual Soldiers and, at the same time, permit the Army to consider all available relevant information when choosing Soldiers for positions of leadership, trust, and responsibility; to prevent adverse personnel action based on unsubstantiated derogatory information or mistaken identity; to provide a means of correcting injustices if they occur; and, to ensure that Soldiers of poor moral character are not continued in Service or advanced to positions of leadership, trust, and responsibility.

11. Army Regulation 600-8-104 (Army Military Human Resource Records Management), in effect at the time, prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the AMHRR. The AMHRR includes, but is not limited to the OMPF, finance-related documents, and non-service related documents deemed necessary to store by the Army. Paragraph 3-6 (Authority for Filing or Removing Documents in the AMHRR Folders) provides that once a document is properly filed in the AMHRR, the document will not be removed from the record unless directed by the ABCMR or another authorized agency.

12. Army Regulation 600-8-10 (Leaves and Passes) prescribes the policies and mandated operating tasks for the leave and pass function of the Military Personnel System. It provides a single-source operating document to the field, and as such, is binding on all communities involved in granting leaves and passes. It applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Re-serve, unless otherwise stated.

a. Transition leave (formerly called terminal leave) is a chargeable leave granted together with transition from the Service, including retirement. The unit commander or designee is the approval authority for transition leave requests.

b. The leave and pass program is designed to allow Soldiers to use their authorized leave to the maximum extent possible.

c. Soldiers who do not take leave, may lose leave at the end of the fiscal year (FY). Also, Soldiers who maintain a 60-day leave balance, and wait late in the FY to take leave, will be informed that they risk loss of leave over 60 days if the operational situation requires their presence. Accrued leave that exceeds 60 days at the end of the fiscal year is lost except as authorized.

13. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time sets policies, standards, and procedures to insure the readiness and

competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

a. An honorable discharge is a separation with honor. The honorable characterization 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. 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 establishes policy and prescribes procedures for separating members for misconduct. Specific categories included 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 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. Army policy states that an under other than honorable conditions discharge is normally considered appropriate for a Soldier discharged for misconduct.

14. Army Regulation 635-5-1 (Personnel Separations – Separation Program Designator (SPD) Codes), prescribes the specific authorities, reasons for separating Soldiers from active duty, and the SPD codes to be entered on DD Form 214. It shows code JKk is used for discharge for misconduct, use of illegal drugs.

15. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) table 3-1 (U.S. Army reentry eligibility codes) states:

a. RE-1: Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army.

b. RE-3: Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation or disqualification is waiverable.

c. RE-4: Applies to: Person separated from last period of service with a nonwaiverable disqualification.

d. RE-4R: Applies to: A person who retired for length of service with 15 or more years active federal service.

16. Army Regulation 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.

//NOTHING FOLLOWS//