

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is general (under honorable conditions). The applicant, through counsel, requests an upgrade to honorable.

The applicant seeks relief contending, in effect, serving on active duty under stop-loss orders and was suffering from post-traumatic stress disorder (PTSD) during the period of service. The discharge characterized as general (under honorable conditions) should be upgraded to honorable. The applicant also requests access to educational benefits.

b. Board Type and Decision: In a records review conducted on 16 June 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's medically mitigated illegal substance abuse offense. 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. Accordingly, the narrative reason for separation changed 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 Section 9 of this document for more details 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, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 13 May 2010**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 13 April 2010

(2) Basis for Separation: The unit commander informed the applicant under the provisions of AR 635-200, Chapter 14-12c, Commission of a Serious Offense, of the following reasons: Misconduct-abuse of illegal drugs. On or about 26 March 2010 the applicant was found in the possession of Doxycycline Hyclate, Azithromycin, Guaifene/Pse, Tylenol W / Codiene, Cephalexin and Prednisone, which are prescription medications that were not prescribed to them.

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

(4) Legal Consultation Date: 13 April 2010

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: In an undated document, the separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12c, Commission of a Serious Offense. / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 27 April 2006 / 3 years, 19 weeks / Retained in service 269 days for the convenience of the government per MILPER MSG 06-232

b. Age at Enlistment / Education / GT Score: 19 / GED / 106

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11C10, Indirect Fire Infantry, 4 years, 17 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (7 April 2007 – 29 May 2008; 16 September 2009 – 25 April 2010)

f. Awards and Decorations: ICM-3 CS, ARCOM, AGCM, NDSM, GWOTSM, ASR, OSR, CIB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Memorandum for Record Counseling, 29 March 2010, reflects on 22 March 2010, the applicant, assigned as the company commander's RTO, received lawful orders from the company 1SG to report to NWS no later than 23 March 2010. Upon notification, the applicant reported to the Combat Stress Clinic and underwent an evaluation and was assessed as a risk to self and others and directed the unit to secure the applicant's weapon and ammunition, restrict access to drugs and alcohol, and limit interactions with individuals who could negatively affect the applicant's mental health. On 23 March 2010, the company commander ordered the applicant to pack personal belongings and report to NWS. The applicant refused to comply with the order and subsequently made conditional threats toward self, the commander, and other Soldiers. The applicant then attempted to invoke the open-door policy with the brigade commander. The applicant was escorted back to the Combat Stress Clinic. On 26 March 2010, a report indicated the applicant possessed alcohol. On 28 March 2010, a search of the applicant's quarters and discovered multiple prescription medications prescribed by the applicant's parent to other individuals, as well as three bottles of an unauthorized alcoholic beverages. The brigade surgeon confirmed the items were unauthorized and classified them as contraband. The applicant received formal counseling for failure to obey a lawful order under Article 90, UCMJ; possession of unauthorized and controlled substances under Article 112a, UCMJ; and malingering under Article 115, UCMJ. Each violation carries the potential for a dishonorable discharge, forfeiture of all pay and allowances, and confinement ranging from 3 to 10 years. The applicant was advised any further misconduct may result in administrative separation under AR 635-200 with a characterization of

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000045

service less than honorable, which could result in the loss of veteran benefits and entitlements. The memorandum was signed by the 1SG and the applicant.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 11 April 2010, for on or about 28 March 2010 violated General Order Number 1, paragraph 3c by wrongfully possessing alcohol, on or about 28 March 2010, violate a lawful general order, to wit: General Order Number 1, paragraph 3(d)(2), dated 1 January 2010, by wrongfully possessing Doxycycline Hyclate, Azithromycin, Guaifene / PSE, Cephalexin, and Prednisone prescription drugs not prescribed to them. Also, for wrongfully possessing Tylenol W/COD #3, a controlled substance, while receiving special pay under 37 U.S.C. 310. The punishment consisted of a reduction to E-3, forfeiture of half month pay (suspended), and extra duty for 45 days restriction for 45 days(suspended).

Probable Cause for Search Memorandum, 29 March 2010, reflects the commander ordered the search of the applicant's living quarters on 28 March 2010. Probable cause was established when a Platoon Section Sergeant informed the commander a Soldier in their platoon had stated the applicant had alcohol in their possession and this was in their CHU. The search was also for weapons, contraband or items could harm others because applicant was on the watch program.

Three Developmental Counseling Forms for incident on 6 April 2010, disobeying a lawful order a superior commissioned officer, wrongful possession of controlled substances, malingering, incident on 22 March 2010.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Nine Third-Party letters reflecting the applicant's behavior change due to stop loss. The letters also reflect how the applicant had been ousted from their family due to their behavior from PTSD.

(2) AMHRR Listed: Report of Behavioral Health Evaluation (BHE), 9 April 2010, reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was psychiatrically cleared for any administrative actions deemed appropriate by the command. The applicant was deemed potentially dangerous. The clinician noted the applicant was evaluated and had a history of extremely poor coping and impulsive behaviors that escalated to the point of threatening harm to other Soldiers and taking pills. When told they would have to move with their unit. Their symptoms resolve when not under stress supporting the diagnosis of adjustment disorder. The applicant did not meet the criteria of posttraumatic stress disorder (PTSD).

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Enlisted Record Brief; Orders 125-0003; Certificate of Release or Discharge from Active Duty; Correction to DD Form 214; nine third-party letters.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the 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) 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 600-85 (The Army Substance Abuse Program), paragraph 10-12a defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes Information concerning drug or alcohol abuse or possession of drugs incidental to personal use, including the results of a drug or alcohol test, collected as a result of a Soldier's emergency medical care solely for an actual or possible alcohol or other drug overdose.

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a states 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.

(3) Paragraph 3-7b states 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.

(4) 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.

(5) Paragraph 14-3 prescribes 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.

(6) Paragraph 14-12c prescribes 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.

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 waiverable and nonwaiverable separations. Table 3-1 defines reentry eligibility (RE) codes: 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.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant contends serving on active duty under stop-loss orders and was suffering from post-traumatic stress disorder (PTSD) during the period of service. The applicant provided nine third-party letters from their family members, which described the applicant's change in behavior after returning from combat and inability to maintain relationships, employment, complete education, or demonstrate appropriate levels of self-care over a ten-year period which supported the applicant's contention. The applicant's AMHRR contains documentation supporting an in-service diagnosis of adjustment disorder. The record shows the applicant underwent a behavioral health evaluation (BHE) on 9 April 2010, which indicates the applicant was mentally responsible and was able to recognize right from wrong and did not meet the criteria for PTSD. The separation authority considered the BHE. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

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 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: PTSD, Episodic Mood Disorder, and various Adjustment Disorders.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 100 percent service connected for PTSD.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. The applicant is 100 percent service connected for PTSD and diagnosed with Episodic Mood Disorder, and various Adjustment Disorder diagnoses that are subsumed by PTSD. Given the nexus between PTSD and the use of substances to self-medicate, the applicant's abuse of illegal drugs is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's PTSD outweighed the medically mitigated the applicant's illegal substance abuse offense.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000045**

b. Response to Contention(s): The applicant contends serving on active duty under stop-loss orders and was suffering from PTSD during the period of service. The Board liberally considered this contention and determined that the applicant's PTSD outweighed the applicant's illegal substance abuse offense. Therefore, a discharge upgrade is warranted.

c. The Board determined the discharge is inequitable based on the applicant's PTSD outweighing the applicant's illegal substance abuse offense. 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. Accordingly, 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.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD outweighed the separating illegal substance abuse offense. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts. Thus, the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

(3) The RE code will not change given the BH diagnoses and service connection. 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 (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

7/16/2025



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