

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 26 April 2021
- b. **Date Received:** 26 April 2021
- 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 general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, suffering from Post-Traumatic Stress Disorder (PTSD).

b. **Board Type and Decision:** In a records review conducted on 29 July 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Schizophrenia outweighing the applicant's illegal substance abuse, AWOL, and disrespect offenses. 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, 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.

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:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 15 July 2011

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 18 December 2010

(2) **Basis for Separation:** The applicant was informed of the following reasons: Misconduct – Abuse of Illegal Drugs Chapter 14-12c(2). On or about 3 June 2010, without authority, the applicant was absent from the unit, and did remain absent until 1 July 2010. On 7 July 2010, the applicant received a Field Grade Article 15 for two violations of the UCMJ. On or about 16 April 2010, the applicant was disrespectful towards CPT R. J., the applicant's superior commissioned officer, by contemptuously turning from and leaving while CPT R. J. was talking to the applicant, in violation of Article 89, UCMJ. Between on or about 24 January 2010 and on or about 24 February 2010, the applicant wrongfully used marijuana, in violation of Article 112a, UCMJ.

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

(4) **Legal Consultation Date:** 2 November 2010

(5) Administrative Separation Board: On 8 February 2011, the applicant was notified to appear before an administrative separation board and advised of rights.

On 1 March 2011, the administrative separation board convened, and the applicant appeared with counsel. The board determined a preponderance of the evidence did support the allegation on 3 June 2010, without authority, the applicant was absent from the unit, and did remain absent until 1 July 2010 and the allegation on or about 24 January 2010 and on or about 24 February 2010, the applicant wrongfully used marijuana. The allegation on or about 16 April 2010, the applicant was disrespectful towards CPT R. J., a superior commissioned officer, by contemptuously turning from and walking away while CPT R. J. was talking to the applicant, was not supported by a preponderance of the evidence.

On 22 June 2011, the separation authority approved the findings and recommendations of the administrative separation board.

(6) Separation Decision Date / Characterization: 22 June 2011 / General (Under Honorable Conditions) / The Separation Authority approved the discharge UP of AR 635-200, chapter 14-12b.

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 20 October 2007 / 6 years
- b. **Age at Enlistment / Education / GT Score:** 21 / High School Graduate / 107
- c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 12N20, Horizontal Construction Specialist / 7 years, 8 days
- d. **Prior Service / Characterizations:** RA, 28 April 2004 – 19 October 2007 / HD
- e. **Overseas Service / Combat Service:** SWA / Iraq (8 October 2007 – 1 January 2009)
- f. **Awards and Decorations:** AAM-2, AGCM, NDSM, GWOTSM, ICM-CS, NCOPDR, ASR, OSR, CAB
- g. **Performance Ratings:** 1 July 2008 – 30 June 2009 / Fully Capable
1 July 2009 – 15 July 2010 / Marginal
- h. **Disciplinary Action(s) / Evidentiary Record:** Electronic Copy of Specimen Custody Document – Drug Testing, 5 March 2010, reflects the applicant tested positive for THC LOL (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 24 February 2010.

CID Agent's Investigation Report Number 0087-10-CIC043, 17 March 2010, reflects it was reported the applicant tested positive for the presence of a controlled substance (Marijuana) during a command directed Unit Urinalysis Inspection. About 1307, 15 March 2010, the applicant provided a Consent to Search for the quarters and vehicles. A subsequent search of the vehicle revealed one smoking pipe which was collected as evidence. A search of the residence revealed one smoking pipe which was collected as evidence.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 7 July 2010, on or about 16 April 2010, behave with disrespect toward CPT R. J. by contemptuously turning from

and leaving CPT R. J. while they were talking to the applicant and on or about 21 January 2010, wrongfully used marijuana. The punishment consisted of a reduction to E-4.

Memorandum for Commander, 8 December 2010, reflects the applicant was recommended for disapproval of the Good Conduct Medal due to pending chapter proceedings.

Report of Proceedings by Investigating Officer/Board of Officers, 1 March 2011, reflects the investigating officer found: The allegation of on or about 3 June 2010, without authority, the applicant was absent from the unit and did remain absent until 1 July 2010 was supported by a preponderance of the evidence. The allegation of between on or about 24 January 2010 and on or about 24 February 2010, the applicant wrongfully used marijuana was supported by a preponderance of the evidence. The allegation of on or about 16 April 2010, the applicant was disrespectful towards CPT R. J. by contemptuously turning from and walking away while CPT R. J. was talking was not supported by a preponderance of the evidence.

Two Developmental Counseling Forms for disobeying direct order from commissioned officer, breaking military bearing, disrespect of a commissioned officer, duties and outlines of the applicant's responsibilities while recovering from injury, and wrongful use, possession, etc. of controlled substances.

i. Lost Time / Mode of Return: 67 days:

AWOL, 3 June 2010 – 1 July 2010 / NIF
NIF, 1 June 2011 – 9 June 2011 / NIF
NIF, 14 June 2011 – 15 July 2011 / NIF

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Summit Ridge Psychiatric Evaluation, 10 May 2010, reflects the applicant was diagnosed with: Axis I: Posttraumatic stress disorder, chronic, Axis: IV: Difficulties with military oversight of the life, and Axis V: Global Assessment of Functioning: 48.

Health Record, 14 September 2010, reflects the applicant was hospitalized from 23 August to 14 September 2010 for the purpose of evaluation of psychotic symptoms, anxiety, and increased emotional lability. The applicant was diagnosed with Axis I: Posttraumatic Stress Disorder Psychosis NOS.

Medical Evaluation Board Proceedings, 28 February 2011, reflect the applicant received one unfitting diagnosis: Chronic posttraumatic stress disorder.

Physical Profile, 2 March 2011, reflects the applicant had a permanent profile for PTSD, right knee shin, low back strain.

Report of Medical Examination, 9 May 2011, the examining medical physician noted in the comments section: PTSD /Depression Anxiety /OCD /Psychosis / ADHD / Drug Dependence / Panic D/O.

Report of Mental Status Evaluation (MSE), 9 June 2011, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; recognizes behavioral choices have consequences. May not be fully

competent to choose rationally between alternatives. The applicant was diagnosed with Axis I: Posttraumatic Stress Disorder (previously diagnosed) and Axis II: Deferred, Histrionic & Antisocial traits.

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

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record and Certificate of Release or Discharge from Active Duty.

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 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 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

e. 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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

f. 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 available evidence reflects the applicant received notification of the intent to discharge them from the U.S. Army for Misconduct – Abuse of Illegal Drugs Chapter 14-12c(2). On or about 3 June 2010, without authority, the applicant was absent from the unit, and did remain absent until 1 July 2010. On 7 July 2010, the applicant received a Field Grade Article 15 for two violations of the UCMJ. On or about 16 April 2010, the applicant was disrespectful towards CPT R. J., the applicant's superior commissioned officer, by contemptuously turning from and leaving while CPT R. J. was talking to the applicant, in violation of Article 89, UCMJ. Between on or about 24 January 2010 and on or about 24 February 2010, the applicant wrongfully used marijuana, in violation of Article 112a, UCMJ. The applicant requested legal counsel and appeared before an Administrative Separation Board and was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for a pattern of misconduct. The applicant completed 7 years, 8 days of net active service this period.

The applicant contends suffering from PTSD. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 9 June 2011, which reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and recognizes behavioral choices have consequences. May not be fully competent to choose rationally between alternatives. The applicant was diagnosed with Axis I: Posttraumatic Stress Disorder (previously diagnosed) and Axis II: Deferred, Histrionic & Antisocial traits. Summit Ridge Psychiatric Evaluation, 10 May 2010 reflects the applicant was diagnosed with: Axis I: Posttraumatic stress disorder, chronic, Axis: IV: Difficulties with military oversight of the life, and Axis V: Global Assessment of Functioning: 48. Health Record, 14 September 2010, reflects the applicant was hospitalized from 23 August to 14 September 2010 for the purpose of evaluation of psychotic symptoms, anxiety, and increased emotional lability. The applicant was diagnosed with Axis I: Posttraumatic Stress Disorder Psychosis NOS. Medical Evaluation Board Proceedings, 28 February 2011, reflect the applicant received one unfitting diagnosis: Chronic posttraumatic stress disorder. Physical Profile, 2 March 2011, reflects the applicant had a permanent profile

for PTSD, right knee shin, low back strain. Report of Medical Examination, 9 May 2011, the examining medical physician noted in the comments section: PTSD / Depression Anxiety / OCD / Psychosis / ADHD / Drug Dependence / Panic D/O. All the medical documents were considered by the separation authority.

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: Schizophrenia, PTSD, Anxiety Disorder, MDD, various Adjustment Disorders.

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

(3) Does the condition or experience actually 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 SC for Schizophrenia and has additional potentially mitigating diagnoses of MDD, PTSD, Anxiety Disorder NOS, and various Adjustment Disorders. Given the nexus between Schizophrenia and avoidant behavior, poor decision making, relating testing, and the use of substances to self-medicate, the offenses of AWOL, disrespect of an Officer, and wrongful use of marijuana 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 Schizophrenia outweighed the applicant's offenses of illegal substance abuse, AWOL, and disrespect.

b. Response to Contention(s): The applicant contends suffering from PTSD. The Board liberally considered this contention and determined that the applicant's Schizophrenia outweighed the applicant's offenses of illegal substance abuse, AWOL, and disrespect.

c. The Board determined the discharge is inequitable based on the applicant's Schizophrenia outweighing the applicant's illegal substance abuse, AWOL, and disrespect offenses. 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, 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 Schizophrenia outweighed the applicant's offenses of illegal substance abuse, AWOL, and disrespect. Thus, the prior characterization is no longer appropriate.

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(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.

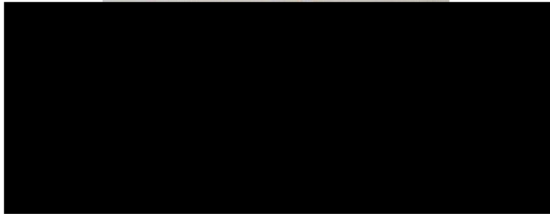
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

9/23/2025



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