

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, an upgrade to their RE code and characterization would allow the applicant to continue to serve the state of Mississippi and the USA in a military fashion.

b. Board Type and Decision: In a records review conducted on 12 June 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

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: Acts or Patterns of Misconduct / NGR 600-200, Paragraph 8-26e(2) / NA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 18 October 2006

c. Separation Facts

(1) Date of Notification of Intent to Separate: 17 May 2006

(2) Basis for Separation: The applicant was informed of the following reasons: Use of a controlled substance /marijuana.

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

(4) Legal Consultation Date: 17 May 2006

(5) Administrative Separation Board: In an undated Report of Proceedings by Investigating Officer/Board of Officers, reflect the Board convened on 14 October 2006. The report shows the applicant or their legal counsel were not present. The Board found the applicant was: Guilty of misconduct (Drug Abuse). The board recommended the applicant's separation with a General (Under Honorable Conditions) discharge.

The Adjutant General of Mississippi, MG, H. C. approved the board's recommendation.

(6) Separation Decision Date / Characterization: NIF / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 28 July 2005 / 3 years

b. Age at Enlistment / Education / GT Score: 20 / Associate's Degree / 107

c. Highest Grade Achieved / MOS / Total Service: E-5 / 91A20 Medical Equipment Repairer / 11 years, 7 months, 22 days

d. Prior Service / Characterizations: USAR, 27 February 1995 – 6 May 2003 / HD
AD, 5 May 1995 – 2 May 1996 / HD
(Concurrent Service)
(Break in Service)
USARCG, 7 May 2003 – 27 July 2005 / NIF
ARNG, 28 July 2005 – 26 February 2006 / HD

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR, MSM, HSM, MWM

g. Performance Ratings: NIF

h. Disciplinary Action(s) / Evidentiary Record: Orders D-905 – 317822, 6 May 2003, reflect the applicant receiving an honorable discharge from USAR under the authority of AR 138-178.

Orders 290-838, 17 October 2006, reflect the applicant was reduced in grade from E-5 to E-3.

The applicant's NGB 22 (Report of Separation And Record Of Service) reflects the applicant had completed the first full term of service. The applicant was discharged under the authority of NGR 600-200, paragraph 8-26e(2), with a narrative reason of Acts or Patterns of misconduct. The NGB 22 was not authenticated with the applicant's signature.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Letter from the Assistant Adjutant General from the Mississippi National Guard; Electronic Application for the Review of Discharge; Academic Transcripts; copy of Army Discharge Review Board (ADRB) letter; Certificate of General Discharge Under Honorable Conditions (ARNG).

6. POST SERVICE ACCOMPLISHMENTS: Obtained a master's degree with a 3.6 GPA from Jackson State University as a Graduate Researcher – Chief of Staff and obtained employment as an intern at Jackson Business Accelerator.

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 135-178 (Enlisted Administrative Separations), prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Paragraph 2-9a prescribes an 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.

(2) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(3) Chapter 12, provides in pertinent part, a Soldier may be discharged for misconduct when it is determined under the guidance set forth in chapter 2, section I, that the Soldier is unqualified for further military service by reason of one or more of the following circumstances: Minor disciplinary infractions; A pattern of misconduct; Commission of a serious offense; Abuse of illegal drugs or alcohol; and Civil conviction.

(4) Paragraph 12-1 b, describes a pattern of misconduct. A pattern of misconduct consisting of discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline. Discreditable conduct and conduct prejudicial to good order and discipline include conduct which violates the accepted standards of personal conduct found in the UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.

(5) Paragraph 12-8, prescribes a characterization of service normally will be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted under the guidelines in chapter 2, section III. When characterization of service under other than honorable conditions is not warranted for a Soldier in entry level status under chapter 2, section III, the service will be described as uncharacterized.

e. National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management), establishes standards, policies, and procedures for the management of the Army National Guard (ARNG) and the Army National Guard of the United States (ARNGUS) enlisted Soldiers in the functional areas of: Classification and Reclassification; Personnel Management; Assignment and Transfer, including interstate transfer; Special Duty Assignment Pay; Enlisted Separations; and Command Sergeant Major Program.

(1) Chapter 8 sets the policies, standards, and procedures for the separation of enlisted Soldiers from the ARNG/ARNGUS.

(2) Paragraph 8-8a, prescribes an 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.

(3) Paragraph 8-8b, prescribes If a soldier's service has been honest and faithful, it is appropriate to characterize that service as under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspect of the soldier's conduct or performance of duty outweighs positive aspects of the soldier's military record.

(4) Paragraph 8-26e defers to AR 135-178, chapter 12 for the following reason for discharge: Acts or Patterns of Misconduct (paragraph 8-26e(2)). Administrative discharge board is required, unless the soldier waives it, when either the soldier has 6 or more years of total military service, or the separation authority considers discharge under other than honorable conditions appropriate. See paragraph 8-28 of this regulation. This reason includes Misconduct-Abuse of Illegal Drugs. All soldiers identified as abusers of illegal drugs will be referred for treatment or counseling as appropriate regardless of the commander's intent to take administrative, nonjudicial or judicial actions. Commanders must begin separation action or recommend retention of soldiers identified in (a) and (c) below who are not being referred to a court-martial authorized to impose a punitive discharge or processed under f below. Forward recommendations for retention and separation through command channels to the separation authority. See AR 135-178, chapter 2. Soldiers whose discharge authority decides to retain them will, as a condition of retention, enroll in a rehabilitation program as soon as possible, but within 90 days of notification. Enrollment and participation will be at no expense to the government. Commanders will immediately begin discharge actions for soldiers who refuse or fail to enroll in a rehabilitation program as a result of committing a drug offense. RE-3.

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 a reentry eligibility (RE) code change and expresses desire to rejoin the military service. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on National Guard Regulation 600-200, the applicant was appropriately assigned an RE code of "3." There is no basis upon which to grant a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes if appropriate.

The applicant contends desire to continue serving their community and Mississippi but is currently restricted. The Board does not grant relief to gain employment or enhance employment opportunities.

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.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant is service connected by the VA for PTSD which establishes that the condition existed during military service.

(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. Given the nexus between PTSD and using substances for self-medication, the use of marijuana that led to the applicant's separation 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 Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse offense.

b. Response to Contention(s): The applicant contends a reentry eligibility (RE) code change and expresses desire to rejoin the military service. The Board considered this contention but USAR separations do not contain a reentry eligibility code. The applicant should meet with a recruiter to discuss reentry options with the applicant's upgrade to honorable characterization.

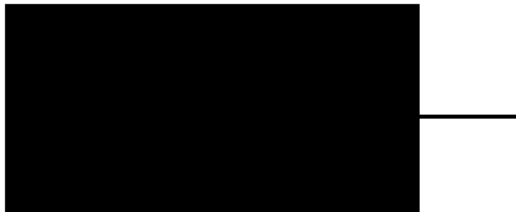
c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

d. Rationale for Decision: The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse offense. Thus, the prior characterization is no longer appropriate.

10. BOARD ACTION DIRECTED:

- a. Issue a New NGB Form 22a: Yes
- b. Change Characterization to: Honorable
- c. Change Reason: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:



Legend:

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