

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 PTSD, a narrative reason change, and having notable overseas service updated to reflect on the DD Form 214.

- b. **Board Type and Decision:** In a records review conducted on 10 June 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD outweighing the drug and alcohol 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:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

- b. **Date of Discharge:** 3 March 2011

- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 31 January 2011

- (2) **Basis for Separation:** The applicant was informed of the following reasons: wrongfully possessing marijuana and were drunk and disorderly on 1 May 2010.

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

- (4) **Legal Consultation Date:** On 2 February 2011, the applicant waived legal counsel.

- (5) **Administrative Separation Board:** NA

- (6) **Separation Decision Date / Characterization:** 3 March 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 18 September 2007 / 4 years
- b. **Age at Enlistment / Education / GT Score:** 26 / High School Graduate / 115
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 68W1O, Health Care Specialist / 3 years, 5 months, 16 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** SWA / Iraq and Kuwait (12 December 2008 – 10 December 2009)
- f. **Awards and Decorations:** ARCOM, NDSM, ASR, ICM-2BSS, GWOTSM, MUC, OSR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:** Military Police Driving while Intoxicated (DWI) Statutory Warning, 1 May 2010, reflects the applicant was subject to a specimen sample (breath) for the purpose of determining the alcohol concentration. The applicant refused to provide sample.

Alcohol Incident Report, 1 May 2010, reflects the applicant admitting to not providing a specimen sample without a lawyer present.

Rights Warning Procedure/Waiver Certificate, 2 May 2010, reflects the applicant receiving their rights read to them.

Five Investigator's Statements, 1 May 2010, all reflect the applicant running a stop sign. During the traffic stop, the applicant began to be disorderly. The officers explained to the applicant they would be apprehended if they did not deescalate their reactions. An odor of an alcoholic beverage was detected in the applicant's vehicle. Upon further inspection, the applicant began to yell, curse, and spit. The applicant was detained and transported to the military police station to be further processed for becoming combating. While the officers at the traffic stop site were conducting a vehicle search and tow protocol, they found a leafy green substance. After testing the substance, the appearance of Marijuana was evident.

Receipt For Inmate or Detained Person, 2 May 2010, reflects the applicant was charged with possession of Marijuana, DWI, Drunk, and Disorderly conduct.

Military Police Report, 6 May 2010, reflects the applicant was apprehended for: wrongful possession of Marijuana (On Post).

Memorandum for Administrative Reprimand, 19 July 2010, reflects the applicant receiving a reprimand for the Deputy Brigadier General F. R. for their actions transpiring during the traffic stop.

Record of Proceedings under Article 15, Uniform Code of Military Justice, 1 December 2010, documents misconduct at or near Fort Hood, on or about 1 May 2010, involving wrongful possession of an amount less than one ounce of marijuana and drunken, disorderly conduct of a nature to bring discredit upon the armed forces. This violates Article 112a, UCMJ. The punishment consists of a reduction to (PFC) E-3, forfeiture of \$906 pay per month for two months, suspended, along with extra duty and restriction for 45 days.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided Chester County Veterans' Affairs, Veteran Service Officer (VSO) letter, undated, reflects the applicant's service-connected PTSD, alcohol, and cannabis use disorder and the applicant's on-going treatment.

Department of Veterans Affairs, Mental Health Evaluation, 1 September 2021, reflects the applicant's diagnosis of chronic / severe PTSD.

(2) AMHRR Listed: Mental Status Evaluation, 16 September 2010, reflects the applicant was cleared to be separated administratively in accordance with AR 635-200, Chapter 14. The applicant was mentally responsible, had a clear-thinking process, and had the mental capacity to understand and participate in the proceedings. The applicant was screened for service connected TBI and PTSD and did not meet the diagnostic criteria for these disorders. The applicant did not have a mental health diagnosis listed in the report.

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

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Correction to DD Form 214; Application for Correction of Military Record; Award certificates; Veterans Service Officer letter; VA Mental Health Evaluation.

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 14-12c 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.

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 "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).

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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. 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's AMHRR shows evidence the applicant received notification of separation under AR 635-200, Chapter 14-12c for misconduct involving the commission of a serious offense on 31 January 2011. The recommended characterization of service was general (under honorable conditions) for wrongful possession of marijuana and drunk and disorderly behavior on 1 May 2010. On 2 February 2011, the applicant waived legal counsel and was separated on 3 March 2011 with a general (under honorable conditions) discharge under the provisions of AR 635-200, Chapter 14-12c for misconduct (serious offense).

The applicant contends suffering from PTSD deriving from overseas service in Iraq. Mental health professionals conducted an MSE and screening for PTSD and TBI. The applicant did not meet the criteria for any mental health diagnoses prior to discharge. The separating authority

considered the MSE. The applicant submitted letters from VA mental health professionals supporting the contention of service-connected PTSD diagnosis.

The applicant contends a change of the narrative reason is needed. The applicant was separated under Chapter 14, paragraph 14-12c, AR 635-200 provisions with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Serious Offense)," and the separation code is "JKQ." Army Regulation 635-8 (Separation Processing and Documents) governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28, and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for entry of any other reason under this regulation

The applicant contends their overseas service was honorable and desires their DD Form 214 to reflect the dates. The applicant was issued a DD Form 215 on 7 April 2013 including the following additions: "Item No. 13 ADD: ICM-BSS-2 GWOTSM, MUC, OSR; Item No. 18 ADD: service in Kuwait/Iraq from 20081212 – 20091210 //Nothing Follows". The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

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, MDD, Adjustment Disorder.

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

(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 PTSD and has additional diagnoses of MDD, and Adjustment Disorder w/Depressed Mood and Anxiety Disorder NOS that are subsumed by PTSD. Given the nexus between PTSD and the use of substances to self-medicate, the applicant's misconduct DUI is mitigated. The drunk and disorderly is summarily mitigated given it occurred while the applicant was in an inebriated state. Additionally, the possession of marijuana is also mitigated, assuming the possession was for personal use.

(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 DUI, drunk and disorderly, and illegal substance abuse offenses.

b. Response to Contention(s):

(1) The applicant contends suffering from PTSD deriving from overseas service in Iraq. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's DUI, drunk and disorderly, and illegal substance abuse offenses.

(2) The applicant contends a change of the narrative reason. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's DUI, drunk and disorderly, and illegal substance abuse offenses.

(3) The applicant contends their overseas service was honorable and desires their DD Form 214 to reflect the dates. The Board determined that the applicant's requested to correct the dates of overseas service does not fall within the purview of the ADRB. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using a DD Form 293 regarding this matter. A DD Form 293 may be obtained online at <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0293.pdf> or from a Veterans' Service Organization.

c. The Board determined the discharge is inequitable based on the applicant's PTSD outweighing the drug and alcohol 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 PTSD outweighed the applicant's misconduct of DUI, drunk and disorderly, and illegal substance abuse offenses. 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, as the current code is consistent with the procedural and substantive requirements of the regulation.

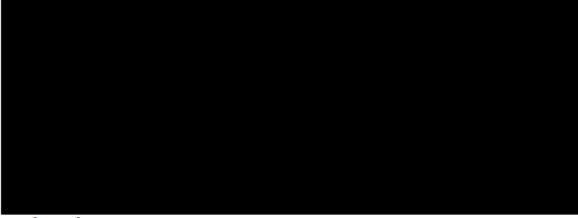
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000172

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, paragraph 14-12a

Authenticating Official:

7/29/2025



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