

1. 345Applicant'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 under other than honorable conditions. The applicant requests an upgrade honorable.

The applicant seeks relief contending, in effect, the discharge was inequitable due to a diagnosis of post-traumatic stress disorder (PTSD), which directly contributed to the drug-related incident. The applicant had been self-medicating with alcohol and over-the-counter substances to manage symptoms before formal diagnosis and lacked access to proper treatment and medication at the time. The applicant contends the discharge was unjust because legal counsel failed to provide adequate guidance regarding the consequences of accepting a Chapter 10 separation. The applicant acted in good faith based on the advice provided, without knowledge or intent to deceive regarding reenlistment documentation. The applicant contends the discharge was disproportionate to the offense, given a 14-year service record with no prior adverse actions. The isolated incident does not reflect the applicant's overall character of service, which warrants favorable reconsideration. An upgrade will allow them to get needed help.

b. **Board Type and Decision:** In a records review conducted on 16 June 2025, and by a 4-1 vote, the Board determined the discharge is inequitable given the medical mitigation of a portion of the applicant's misconduct coupled with the applicant's length and quality of service, to include combat service, combining to partially outweigh the discharge. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to General and changed the separation authority to AR 635-200, paragraph 14-12a. Accordingly, the narrative reason for separation was 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:** In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. **Date of Discharge:** 1 September 2011

c. **Separation Facts:**

(1) **Date and Charges Preferred (DD Form 458, Charge Sheet):** On 15 July 2011, the applicant was charged with:

Charge I: Violating Article 83, UCMJ: The applicant on or about 22 July 2007 knowingly false representation that they had never been arrested by law enforcement authorities for any violation of law when in fact they had been arrested by El Paso, TX law enforcement authorities on or about 19 October 1996 for possession of a controlled substance, cocaine, procure themselves to be enlisted in the U.S. Army, and did there after receive pay and allowances under the enlistment so procured.

Charge II: Violating Article 107, UCMJ: The applicant on or about 22 June 2011 with intent to deceive, sign an official record to wit: DA Form 3286, which record was false in that they indicated they had never been arrested by law enforcement authorities for any violation of law when in fact they had been arrested by El Paso, Texas law enforcement authorities on or about 19 October 1996 for possession of a controlled substance, cocaine, and was then known by the applicant to be false.

Charge III Violating Article 112a UCMJ: the applicant did or near El Paso, Texas between on or about 16 March 2011 and on or about 23 March 2011, wrongfully use cocaine, a schedule II controlled substance.

(2) Legal Consultation Date: 2 August 2011

(3) Basis for Separation: Pursuant to the applicant's request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) Recommended Characterization: Under Other Than Honorable Conditions / Both intermediate commanders recommended disapproval of the request for discharge.

(5) Separation Decision Date / Characterization: 29 August 2011 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 31 January 2008 / Indefinite

b. Age at Enlistment / Education / GT Score: 35 / 60 or More Semester Hours College Credit / 116

c. Highest Grade Achieved / MOS / Total Service: E-6 / 74D3P 2B, Chemical Operations Specialist / 14 years, 5 months, 5 days

d. Prior Service / Characterizations: RA, 27 March 1997 – 16 December 1999 / HD
RA, 17 December 1999 – 18 September 2003 / HD
RA, 19 September 2003 – 1 February 2006 / HD
RA, 2 February 2006 – 21 June 2007 / HD
RA, 22 June 2007 – 30 January 2008 / HD

e. Overseas Service / Combat Service: Korea / Iraq (24 January 2005 – 16 August 2005, 27 October 2003 – 25 February 2004); Kuwait (16 December 2001 – 22 April 2001); Bosnia and Herzegovina (27 October 1998 – 12 March 1999)

f. Awards and Decorations: ARCOM-5, AAM-4, PUCA, VUA, AGCM-4, NDSM, AFEM, GWOTEM, GWOTSM, KDSM, AFSM, ICM-CS, NCOPDR-3, ASR, OSR, NATOMDL, CIB, EIB, PRCHTBAD, AIR ASLT, DRV/MECH, DSIDBAD

- g. Performance Ratings:** 1 August 2008 – 31 July 2009 / Among the Best
1 August 2009 – 19 March 2010 / Among the Best
20 March 2010 – 19 March 2011 / Among the Best

h. Disciplinary Action(s) / Evidentiary Record: Incident Report El Paso Police Department, 23 March 2011, reflects, at approximately 0227 hours, a detective observed a vehicle parked facing south in the southbound lane. The detective observed the front passenger duck down and the applicant lean back, obstructing the detective's view. The detective found this suspicious and pulled alongside the vehicle, using a spotlight to illuminate the interior. Both occupants straightened and looked forward. The detective exited the unit and approached the applicant's door, asking them to roll down the window. The applicant complied. The detective asked what they were doing; both occupants remained silent, and the applicant's hands began to shake. The detective requested assistance. Upon arrival of assisting officers, the detective asked the applicant to step out of the vehicle and received permission to search the vehicle and pat down the applicant for weapons. The applicant was breathing heavily and looking around. The detective located a large, soft object in the applicant's right front pant pocket and received permission to enter the pocket. The detective removed several rolled-up tissues, squeezed them, and felt no hard objects. The detective placed the tissues on the rear trunk and continued the pat down, finding no weapons. Simultaneously, assisting officers searched the vehicle. The detective informed the applicant to have someone pick them up, as they appeared intoxicated. The applicant admitted to drinking beer. While the applicant sat in the driver's seat and looked up, the detective observed a white powdery substance around their right nostril. The applicant admitted it was cocaine and stated they and the passenger bought and consumed it at a bar on Dyer Street. Officers observed two open containers of Smirnoff Ice on the front passenger floorboard. The applicant denied having any weapons or contraband in the vehicle and gave verbal consent to search. No additional contraband was found. The applicant stated they had consumed 2-3 quarts of alcohol. Officers requested the applicant contact a responsible party for pickup due to intoxication. The applicant was unable to reach their spouse and was informed they would be transported to the Military Police Station and released to Military Custody. With supervisor approval, officers handcuffed the applicant, placed them in the rear passenger side of a marked unit, and transported them to the Provost Marshall's Office, where authorities released them to Military custody. Before and after transport, the officer checked the applicant seats for contraband or trash; the unit was cleared. After transport, the officer found a wadded-up tissue on the rear passenger floorboard, which contained a clear plastic bag with a white powdery substance. The officer took digital photographs and tested the substance, which tested positive for cocaine. The bag and cocaine weighed 1.6g and were submitted into evidence.

Receipt for Inmate or Detained Person, 23 March 2011, reflects the applicant was released in apparent good health to a SFC of their unit. The offense was courtesy drop off, use of a controlled substance off post.

Command Directed Probable Cause Urine Analysis, 23 March 2011, reflects the commander requested the applicant tested under probable cause.

Rights Warning Procedure/ Waiver Certificate, 23 March 2011, reflects an unsigned rights election to the applicant by the company commander to investigate the applicant about possession of cocaine / use of cocaine, open alcohol container in vehicle and gang related activity.

Electronic Copy of Specimen Custody Document – Drug Testing, 1 April 2011, reflects the applicant tested positive for COC 2717 (cocaine) during a Probable Cause (PO) urinalysis testing conducted on 23 March 2011.

CID Report of Investigation Initial Final, 15 April 2011, reflects, the investigation established probable cause to believe the applicant committed the offense of wrongful use of a controlled substance (cocaine) when they submitted a urine sample which subsequently tested positive for the presence of cocaine.

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** Psychiatric Evaluation, 26 August 2011, reflects the applicant was transferred from William Beaumont Army Medical Center to an outpatient facility for further psychiatric evaluation and treatment. The applicant reported to their outpatient therapist experiencing severe nightmares, increased anxiety, feelings of helplessness, hopelessness, generalized sadness, and severe anxiety. Emergency report documentation noted the applicant was found wandering outside the Behavioral Mental Health building, requesting to speak to a counselor about their symptoms. The applicant's psychiatric history includes major depressive disorder, generalized anxiety disorder, and post-traumatic stress disorder (PTSD) from active combat, for which the applicant was receiving outpatient psychiatric services. The applicant also admitted to extensive alcohol abuse, using it to self-treat PTSD and anxiety symptoms. In March 2011, the applicant was arrested and incarcerated for cocaine possession. Following release, the military initiated proceedings for a dishonorable discharge due to alcohol addiction, cocaine possession charges, and falsified documentation. The applicant had previous undisclosed convictions for similar incidents. Since the March 2011 incident, the applicant quit drinking, but their mental health worsened. The applicant expressed anger and helplessness over the potential dishonorable discharge after 14 years of service, including multiple combat deployments. During psychiatric evaluation the applicant presented as restless, anxious, and hopeless about their future if discharged. The applicant's plan was to serve 20 years and retire; the pending discharge aggravated their depression. The applicant agreed to remain in the hospital and adjust their medications. The applicant reported suffering from major depression, generalized anxiety disorder, and PTSD since their last Iraq deployment in 2005. They received outpatient psychiatric services at Fort Bliss and denied previous psychiatric hospitalizations. Before formal diagnoses, the applicant admitted to a history of major depression and poor impulse control, for which they received anger management classes. The applicant denied cocaine addiction. The applicant's legal history included two prior convictions for marijuana and alcohol-related charges, which the applicant claimed were dismissed. The mental status examination showed slight restlessness, anxious behavior, depressed mood, blunted affect, and pressured, circumstantial speech. Thought process was mostly coherent; thought content revealed feelings of paranoia and suspicion. The applicant denied suicidal or homicidal ideations and hallucinations. Sensorium and intelligence were intact, oriented in all spheres, and no gross cognitive deficits were noted. Immediate, recent, and remote memory was intact. Insight and judgment were fair. Assets and strengths included intelligence, work skills, academic skills, adaptability, socialization, interpersonal skills, independent self-care skills, and physical health. Weaknesses and liabilities included chronicity of illness, inability to delay gratification or compromise, degree of dysfunction, unhealthy coping skills, substance abuse, criminal record, and job-related problems. Diagnostic impression was major depressive disorder, severe, recurrent; generalized anxiety disorder; PTSD; alcohol dependency by history; and bilateral ankle fractures. Suicide risk assessment determined moderate risk, necessitating admission for further evaluation and treatment under doctor's observation. The applicant was admitted to the Military Unit under intensive observation and provided with a safe, structured environment. Previous psychiatric medications were restarted, and Vistaril 25mg. was added for anxiety. A medical consultation was requested for new diagnoses, and supportive psychotherapy was provided. Preliminary discharge criteria include mood stabilization, improved affect, alleviated

anxiety, treated depressive symptoms, adherence to medication treatment, and return to the highest level of functioning.

Chronological Record of Medical Care, 8 September 2011, reflects the applicant had multiple deployments, including Bosnia (1998 – 1999), Kuwait (2000 – 2001), Korea (2002 – 2003), and Iraq (2003 – 2004, 2005). During their deployment to Bosnia, they witnessed children being killed and injured by roadside bombs. In Iraq (2003 – 2004), they were exposed to multiple blasts, resulting in feeling dazed and confused. They reported their memory and attention issues began at this time. In March 2005, while in Iraq, an IED exploded on the left side of their vehicle, causing them to lose consciousness for about one minute. Upon regaining consciousness, they felt dazed, confused, disoriented, and had a headache. They also experienced hearing problems and ringing in their ears for two weeks, and the headache lasted for two weeks. The applicant reported that their memory and attention worsened after the 2005 blast. They had trouble remembering conversations, misplacing items, word searching, and losing themselves in conversations. They also had difficulty concentrating, hypervigilance, and dizziness during headaches. Headaches started after the 2005 blast and were sometimes accompanied by nausea and light sensitivity. They took 800 mg of Motrin to alleviate headache pain. They also reported blurred vision, floaters, spots or stars in their vision, photophobia, excessive irritability, anxiety, and sleeping only 4 hours per night. They were taking prazosin, Remeron, and risperidone to help with sleep and PTSD symptoms. They experienced nightmares, auditory hallucinations related to combat, active sleep (kicking and yelling), sleepwalking, and daily fatigue. Psychological symptoms included anxiety, high irritability, emotional lability, initial insomnia, nightmares, loss of interest in activities, and anhedonia. They expressed a desire for health recovery and to continue living and denied homicidal thoughts. The applicant's mental status examination showed psychomotor restlessness, hypervigilance, distractibility, anxiety, and concern. Their mood was pleasant, and their affect was congruent with their mood. They denied suicidal and homicidal ideation, plans, and intent.

Progress Note, 16 December 2011, reflects, the applicant was seen for a PTSD assessment and the applicant met DSM IV criteria for PTSD.

Admission Record, 26 August 2011, reflects the applicant was admitted to the hospital for Major depressive disorder, recurrent episode, generalized anxiety disorder, PTSD, and other unspecified alcohol dependence remission.

Psychiatric Discharge Summary, 2 September 2011, reflects the applicant was started on Vistaril 25 mg BID for anxiety and their Zoloft was increased to 100 mg daily for depression. They were educated on medication alternatives and pertinent side effects, reporting none during their hospital stay. The applicant attended psychotherapy groups on the unit and was taken daily by their unit to complete their paperwork, resulting in their discharge from the military the day prior to their medical discharge. Their mood stabilized and improved with a reactive affect. They were cooperative and compliant with staff, attended programming with full participation, and socialized with peers and staff. As their improvement continued, discharge plans were discussed and agreed upon. They voiced motivation to keep their follow up appointment and reported feeling ready for discharge on the scheduled date. The applicant expressed motivation to maintain sobriety and avoid illicit substances and alcohol and showed a willingness to attend AA meetings. On the day of discharge, they reported good sleep and appetite, an even mood with a reactive affect, and denied suicidal or homicidal thoughts.

(2) AMHRR Listed: None

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

5. APPLICANT-PROVIDED EVIDENCE: Three third-party letters; five Honorable Discharge Certificates; Application for the Review of Discharge; Motion to Dismiss; Psychiatric Evaluation; two Psychiatric Discharge Summaries; Medication Orders and Reconciliation Form; Continuing Care Discharge Plan; Chronological Record of Medical Care; Request for Discharge in Lieu of Court-Martial; Suicide Prevention Safety Plan; Mental Health Note; Admission Record; 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 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(3) 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.

(4) 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.

(5) Paragraph 3-7c states Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(6) Chapter 10 provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for a discharge for the good of the Service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt.

(7) Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40-501, chapter 8.

(8) Paragraph 10-8a stipulates a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. (See chap 3, sec II.)

(9) Paragraph 10-8b stipulates Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

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-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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 evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. In consultation with legal counsel, the applicant voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance.

The applicant contends the discharge was inequitable due to a diagnosis of post-traumatic stress disorder (PTSD), which directly contributed to the drug-related incident. The applicant provided two third-party letters from their spouse and friend, which described the applicant's change in behavior after returning from combat and supported the applicant's contention. The applicant also provided a psychiatric discharge summary, chronological record of medical care, and psychiatric discharge summary reflecting the applicant's diagnosis and behavior supporting their contention. The applicant's AMHRR includes no documentation of a PTSD diagnosis.

The applicant contends the discharge was unjust because legal counsel failed to provide adequate guidance regarding the consequences of accepting a Chapter 10 separation. The AMHRR includes the applicant's request for discharge in lieu of trial by Court-Martial, 2 August 2011, reflecting "I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged and am guilty of at least one of the charges against me or of a lesser included offense therein contained which also authorizes the imposition of a bad conduct or dishonorable discharge." The memorandum was signed by the applicant and their counsel. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends the discharge was disproportionate to the offense, given a 14-year service record with no prior adverse actions. The isolated incident does not reflect the applicant's overall character of service, which warrants favorable reconsideration. Army Regulation 635-200, paragraph 3-5, in pertinent part, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

The applicant contends an upgrade will allow them to get needed help. Eligibility for veteran's benefits does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

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, GAD, various adjustment disorders subsumed by PTSD, and Psychotic Disorder NOS.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 70 percent service connected for PTSD.

(3) Does the condition or experience excuse or mitigate the discharge? **Partially.** The Board determined that the applicant's behavioral health conditions partially mitigate the discharge. The applicant is 70 percent service connected for PTSD and has additional diagnoses of MDD, GAD, various adjustment disorders subsumed by PTSD, and Psychotic Disorder NOS. Given the nexus between PTSD and the use of substances to self-medicate, the applicant's wrongful use of cocaine is mitigated. However, the applicant's offense of providing false official statements is not mitigated as it is not natural sequela of either PTSD, MDD, GAD, or Adjustment Disorders. None of the conditions impaired the applicant's ability to differentiate between right and wrong and adhere to the right. Regarding the diagnosis of Psychotic Disorder NOS, records show the C&P examiner rendered the diagnosis based solely on the applicant's self-assertion that the applicant was hospitalized for psychosis in August 2011. Additionally, the examiner documented that the examiner did not have the applicant's in-service medical records for review at the time of the examination. The Board Medical Advisor opined that if the examiner had access to the applicant's military medical records, the examiner would not have rendered the diagnosis as the associated records were void of psychosis-related diagnosis, and instead

reflected diagnoses of PTSD, MDD, and GAD. Given the abovementioned, the Psychotic Disorder NOS diagnosis is not considered for mitigation.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder, Major Depressive Disorder, and/or General Anxiety Disorder outweighed the applicant's medically unmitigated offense of making false official statements.

b. Response to Contention(s):

(1) The applicant contends the discharge was inequitable due to a diagnosis of post-traumatic stress disorder (PTSD), which directly contributed to the drug-related incident. The Board liberally considered this contention and determined that the applicant's PTSD mitigates the drug use but not the entirety of the misconduct that led to separation (making false official statements).

(2) The applicant contends the discharge was disproportionate to the offense, given a 14-year service record with no prior adverse actions. The isolated incident does not reflect the applicant's overall character of service, which warrants favorable reconsideration. The Board considered the totality of the applicant's service record and determined that the applicant's record, in combination with the medical mitigation of the applicant's illegal substance abuse offense, warranted a change to General characterization of service and Misconduct (Minor Infractions) narrative reason for separation.

(3) The applicant contends the discharge was unjust because legal counsel failed to provide adequate guidance regarding the consequences of accepting a Chapter 10 separation. The Board considered this contention and found that the applicant, with counsel, was fully advised of the consequences of requesting a Chapter 10 discharge.

(4) The applicant contends an upgrade will allow them to get needed help. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

c. The Board determined the discharge is inequitable given medical mitigation of a portion of the applicant's separating misconduct coupled with the applicant's length and quality of service, to include combat service. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to General 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.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to General because the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse and the applicant's record of service partially outweighed the remaining separating offense of making a false official statement. The applicant's General discharge is proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an Honorable characterization.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000173

(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.

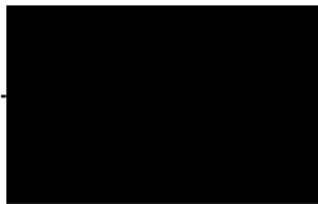
(3) The RE code will not change given the BH conditions and service connection. The current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: General
- 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:

9/19/2025



Y

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