

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, their discharge was inequitable due to undiagnosed Post-Traumatic Stress Disorder (PTSD) at the time of separation. The applicant contends asking for help but instead receiving punishment and denying access to care. They seek an upgrade to an honorable to access VA benefits, including educational assistance, and to reenter the military.

b. Board Type and Decision: In a records review conducted on 8 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's offenses of illegal substance abuse, drunk on duty, and FTR. 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 **Board Discussion and Determination** section for more detail regarding the Board's decision.*

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / AR 635-200, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 5 May 2011

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 12 April 2011

(2) Basis for Separation: The applicant was informed of the following reasons: Between on or about 1 November 2010 and 30 November 2010, the applicant wrongfully used Marijuana, and Cocaine, a Schedule I, Controlled Substances. The commander also considered that on or about 7 January 2011, the applicant reported to the Battalion Commander intoxicated with a Breath Alcohol Test of .168, and failed to report to physical fitness accountability formation at 0630 hours.

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

(4) Legal Consultation Date: On 12 April 2011, the applicant waived legal counsel.

(5) Administrative Separation Board: On 12 April 2011, the applicant unconditionally waived consideration of the case before an administrative separation board.

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

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 29 January 2009 / 3 years, 19 weeks

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 100

c. Highest Grade Achieved / MOS / Total Service: E-3 / 88M1O, Motor Transport Operator / 2 years, 3 months, 7 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Kuwait (29 November 2009 – 21 November 2010)

f. Awards and Decorations: ARCOM, NDSM, GWOTSM, ICM-CS, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Electronic Copy of Specimen Custody Document – Drug Testing, 6 December 2010, reflects the applicant tested positive for THC 62 (marijuana) and COC 15923 (cocaine) during an Inspection Unit (IU) urinalysis testing conducted on 30 November 2010.

CID Report of Investigation, 9 December 2010, reflects an investigation established probable cause to believe the applicant committed the offense of Wrongful Use of a Controlled Substance when the applicant submitted a urine specimen on 30 November 2010, during the conduct of a unit urinalysis test, which subsequently tested positive for Cocaine and Marijuana. The applicant admitted to smoking marijuana, cocaine, and spice.

Certification of Breath Alcohol Test, 7 January 2011, reflects the applicant had a blood alcohol content of .168 GM per 100ML of blood.

Notice of Administrative Suspension of Driver's License/Driving Privilege, 29 January 2011, reflects the applicant's driving privileges was surrendered due to a blood alcohol content of 0.08 percent or more.

Warrant of Arrest, 30 January 2011, reflects the applicant unlawfully violated sections 46.2-300 (class 2 misdemeanor) and 18.2-266/18.2-270 (class1 misdemeanor) of state code. The applicant was arrested.

Three Summons, 3 February 2011, reflects the applicant was accused of violation of 46.2-802 (class T misdemeanor), 46.2-707 (class 3 misdemeanor), and 46.2-613 (class T misdemeanor) of state code.

Letter of Reprimand, 25 March 2011, reflects the applicant was reprimanded for driving under the influence of alcohol. The applicant had a blood alcohol concentration of 0.23 percent.

Line of Duty Investigation, 15 April 2011, reflects the applicant was brought to the hospital for alcohol poisoning. The applicant had a blood alcohol level of .456 percent and was unresponsive and required the use of a breathing apparatus. The report reflects the applicant had a history of underage drinking and had been enrolled in Army Substance Abuse Program (ASAP). At the conclusion of the investigation the applicant had already been discharged. The investigator found the applicant was not in the line of duty due to own misconduct.

Four Developmental Counseling Forms for testing positive for cocaine, not being at appointed place of duty, being sent back to room while on extra duty for being drunk on duty, reporting to Article 15 hearing intoxicated

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Report of Behavioral Health Evaluation (BHE), 25 January 2011, reflects the applicant was mentally responsible with a clear thinking process and had the mental capacity to understand and participate in the proceedings. No diagnosis indicated.

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 the Review of Discharge; Applicant statement; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: Attended therapy and received medication for symptoms.

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(2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation under paragraph 14-12a or 14-12b as appropriate.

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 "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, misconduct (drug abuse).

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 applicant seeks contends their discharge was inequitable due to undiagnosed Post-Traumatic Stress Disorder (PTSD) at the time of separation. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The applicant's AMHRR includes no documentation of a PTSD diagnosis. The AMHRR shows the applicant underwent a Report of Behavioral Health Evaluation on 25 January 2011, indicating the applicant was mentally responsible and recognized right from wrong. The BHE does not indicate any diagnosis. The separation authority considered the BHE.

The applicant contends asking for help but instead receiving punishment and denial of access to care. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends an upgrade will allow access to VA benefits, including educational assistance. Eligibility for veterans' benefits, including educational benefits under the Post-9/11 or Montgomery GI Bill, does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local Department of Veterans Affairs office for further assistance.

The applicant desires 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 Army Regulation 601-210, the applicant was appropriately assigned an RE code of "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment.

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: Major Depressive Disorder, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with Major Depressive Disorder and is service connected by the VA for PTSD. Service connection establishes that the applicant's PTSD also existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between Major Depressive Disorder, PTSD, self-medicating with substances, and avoidance, the wrongful use of marijuana and cocaine, reporting to the Battalion Commander intoxicated, and FTR are 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 and Major Depressive Disorder outweighed the applicant's offenses of illegal substance abuse, drunk on duty, and FTR.

b. Response to Contention(s):

(1) The applicant seeks contends their discharge was inequitable due to undiagnosed Post-Traumatic Stress Disorder (PTSD) at the time of separation. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's offenses of illegal substance abuse, drunk on duty, and FTR.

(2) The applicant contends asking for help but instead receiving punishment and denial of access to care. 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 and Major Depressive Disorder outweighing the applicant's offenses of illegal substance abuse, drunk on duty, and FTR.

(3) The applicant contends an upgrade will allow access to VA benefits, including educational assistance. 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.

(4) The applicant desires to rejoin the military service. The Board considered this contention but determined that the applicant's reentry eligibility code should remain at RE-4 given the applicant's diagnosed behavioral health conditions.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's offenses of illegal substance abuse, drunk on duty, and FTR. 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 Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's offenses of illegal substance abuse, drunk on duty, and FTR. 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.

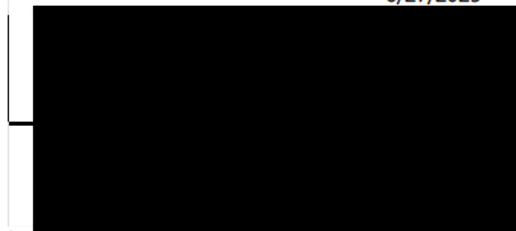
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000190****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:

6/27/2025



Leg

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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs