

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 unjust due to their command's disregard of their traumatic experiences in combat leading to excessive alcohol consumption, and despite seeking help, was not allowed to complete the Army Substance Abuse Program (ASAP). They assert someone unqualified to assess PTSD conducted their final mental evaluation despite displaying clear symptoms. The applicant contends after returning stateside, the applicant was targeted by their chain of command, subjected to frequent searches, and unfairly accused. The applicant contends taking prescribed narcotics for surgery resulted in a positive drug test, but their medical records were not reviewed, and their claims were disregarded. The applicant also asserts others in their unit who tested positive at the same time received honorable discharges, demonstrating inconsistency and bias in the separation process. Given these factors, the applicant requests a discharge upgrade to reflect their honorable service and the mitigating circumstances surrounding their separation.

b. Board Type and Decision: In a records review conducted on 20 May 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on medical mitigation for the basis of separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

*Please see the **Board Discussion and Determination** section for more details regarding the Board's decision.*

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: 1 December 2006

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 30 October 2006

(2) Basis for Separation: Under the provisions of AR 635-200, Chapter 14, Section III, Paragraph 14-12c, the applicant was informed of the following reasons: the applicant tested positive for cocaine on 10 May 2006. The applicant also was insubordinate and disrespectful to their 1SG on 7 August 2006 and 29 September 2006.

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

(4) Legal Consultation Date: 26 October 2006

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: On 16 November 2006, the separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14, Section III, Paragraph 14-12c. / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 17 December 2004 / Not to exceed 730 days

b. Age at Enlistment / Education / GT Score: 22 / High School Graduate / 60

c. Highest Grade Achieved / MOS / Total Service: E-4 / 09L10, Translator Aide / 2 years, 10 months, 25 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (NIF)

f. Awards and Decorations: ICM, GWOTSM

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 4 August 2006, for wrongfully using cocaine (between 8 and 10 May 2006). The punishment consisted of reduction in grade to E-3, forfeiture of \$750 pay per month for two months (suspended) to be automatically remitted if not vacated before 4 September 2006. Restriction to the limits of the barracks, places of duty and worship, medical and dining facilities on post and extra duty for 45 days.

Sobriety Examination and Blood Alcohol Examination, 8 September 2006, reflects the applicant was subjected to a sobriety examination and blood alcohol determination test based on being suspected of being drunk on duty by the unit 1SG. It was determined the applicant showed no evidence. The applicant did not consent to having their blood drawn. It was also annotated the applicant had an abrasion on their right cheek.

Military Police Desk Blotter, 29 September 2006, reflects the chronological record of police activity. The report states the applicant was insubordinate and disobeyed an order from the unit 1SG. The applicant had a slight odor of alcohol from their breath and was given a breathalyzer. The applicant was tested twice with the results of .036 and .033. The applicant was advised of their legal rights which they waived and refused to render a statement. The applicant was further processed. The applicant was released to their unit rep.

Intoxilyzer 8000 report, 29 September 2006, reflects the applicant was given two tests with the results being .036 and .033.

Military Police Report, 29 September 2006, reflects the applicant was apprehended for: failure to obey a general order and insubordinate conduct.

Receipt For Inmate or Detained Person, 29 September 2006, reflects the applicant was charged with failure to obey order or regulation and insubordinate conduct. The applicant was released in good health.

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

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

(1) **Applicant provided:** Third-party letter, 2 August 2011, reflects the applicant's witness to close friends dying in an IED attack in Iraq. The letter also refers to the applicant having to shoot someone during the same attack. The applicant called for a MEDEVAC for the victim which was ignored.

(2) **AMHRR Listed:** Report of Mental Status Evaluation, 29 September 2006, reflects the applicant was psychiatrically cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could and met medical retention requirements. There was no evidence of mental defect, emotional illness or psychiatric disorder of sufficient severity to warrant disposition through medical channels.

Request for Mental Status Evaluation, 29 September 2006, reflects the commander requested a MSE for the applicant for discharge. The commander indicated the applicant's behavior observation consisted of aggressive behavior, sleeplessness, not getting along with peers and Officer / NCO. The commander noted the applicant received one Article 15 and had one pending.

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; two third-party letters; Applicant letter; 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 600-85, (The Army Substance Abuse Program), paragraph 10-12a defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes: Results of command-directed drug or alcohol testing that are inadmissible under the MRE.

e. 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) Paragraph 3-8a states a Soldier is entitled to an honorable characterization of service if limited-use evidence (see AR 600-85) is initially introduced by the Government in the discharge proceedings, and the discharge is based upon those proceedings. The separation authority will consult with the servicing Judge Advocate in cases involving limited use evidence.

(5) 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.

(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.

(7) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

f. 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).

g. 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-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 waiverable. Eligibility: Ineligible unless a waiver is granted.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

Based on the applicant's AMHRR, someone in the discharge process erroneously entered on the applicant's DD Form 214, block 25, "AR 635-200, Para 14-12c(2)." The discharge packet confirms the separation authority approved the discharge under the provisions AR 635-200, Chapter 14, Paragraph 14-12c, Commission of Serious Offense. Army Regulations state a Soldier separated under this provision will receive a narrative reason of Misconduct (Serious Offense) and a Separation Code of "JKQ."

The applicant's separation packet includes a command directed sobriety examination and blood alcohol determination test. The government introduced these documents into the discharge process. Results of command-directed drug or alcohol testing are inadmissible under the MRE and limited use information defined in AR 600-85. Use of this information mandates an award of an honorable discharge.

The applicant contends their discharge was unjust due to their command's disregard of their traumatic experiences in combat leading to excessive alcohol consumption, and despite seeking help, they were not allowed to complete the Army Substance Abuse Program (ASAP). They assert someone unqualified to assess PTSD conducted their final mental evaluation, despite displaying clear symptoms. The applicant provided a third-party letter from their friend, who described the applicant's experiences downrange in which they were in an IED attack where the applicant had to shoot a suspect and two close friends died. The letter reflects on the applicant's service and mental health decline supporting the applicant's contention. The applicant's AMHRR includes no documentation supporting an in-service diagnosis. The record shows the applicant underwent a mental status evaluation (MSE) on 29 September 2006, which indicates the applicant was mentally responsible. The separation authority considered the MSE.

The applicant requests a reentry eligibility (RE) code change. 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 "3." There is no basis for granting 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 on the Army's needs at the time and must process waivers of reentry eligibility (RE) codes if appropriate.

The applicant contends after returning stateside, the applicant was targeted by their chain of command, subjected to frequent searches, and unfairly accused. The applicant did not submit evidence other than their statement to support the contention. There is no evidence in the AMHRR the applicant sought assistance or reported the harassment.

The applicant contends taking prescribed narcotics for surgery resulting in a positive drug test, but their medical records were not reviewed, and their claims were disregarded. The applicant also asserts others in their unit who tested positive at the same time received honorable discharges. The DODI 1332.28 provides each case must be decided on the individual merits and on a case-by-case basis, considering the unique facts and circumstances of the case. Additionally, when an applicant cites a prior decision of the ADRB, another agency, or a court, the applicant shall describe the specific principles and facts contained in the preceding decision and explain the relevance of the cited matter to the applicant's case. The Board is independent, not bound by prior decisions in reviewing subsequent cases because no two cases present the same issues.

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's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, the applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: PTSD, Unspecified Psychosis, MDD, and Schizophrenia.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor 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's Medical Advisor applied liberal consideration and opined that a review of the available information reflects the applicant has a BH condition that mitigates his misconduct as outlined in the BoS. The applicant is 100 percent SC for PTSD and has additional potentially mitigating diagnoses of MDD, Unspecified Psychosis, and Schizophrenia. Given the nexus between PTSD and the use of substances to self-medicate, and the nexus between PTSD and problems with authority, the applicant's misconduct characterized by wrongful use of cocaine and disrespect of a 1SG x2 is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition outweighed the basis of separation.

b. Prior Decisions Cited: ADRB 2012

c. Response to Contentions:

(1) The applicant contends their discharge was unjust due to their command's disregard of their traumatic experiences in combat. The Board considered this contention but found insufficient evidence in the applicant's AMHRR to show that the command acted in an arbitrary or capricious manner.

(2) The applicant requests a reentry eligibility (RE) code change. The Board considered this contention and determined that the RE code awarded at separation was proper and equitable considering the range of diagnosed BH condition.

(3) The applicant contends after returning stateside, the applicant was targeted by their chain of command, subjected to frequent searches, and unfairly accused. The Board considered this contention but found insufficient evidence in the applicant's AMHRR to show that the command acted in an arbitrary or capricious manner.

(4) The applicant contends taking prescribed narcotics for surgery resulting in a positive drug test, but their medical records were not reviewed, and their claims were disregarded. The applicant also asserts others in their unit who tested positive at the same time received honorable discharges. The Board considered these contentions and determined both not supported by the current evidentiary record. The positive UA was for unprescribed cocaine and the circumstances of other (honorable) discharges are unknown.

d. The Board determined that the characterization of service was inequitable based on medical mitigation for the basis of separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service based on medical mitigation (PTSD) for the basis of separation. The new characterization is Honorable.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as a drug offense (while mitigated) did still occur. The applicant's BH condition(s) do not excuse responsibility for this misconduct.

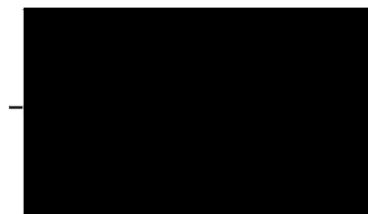
(3) The RE code will not change given the BH condition(s) and service connection. The current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

5/22/2025



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

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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