

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 untreated PTSD and service-related injuries, including a TBI from a jump injury and ongoing mental, physical, and combat stress experienced while serving as an intelligence analyst in Iraq. They assert military service aggravated pre-existing trauma, and they endured hazing by noncommissioned officers without recourse. The applicant has begun seeking treatment and is committed to continuing their recovery. They request a discharge upgrade to access full benefits and support their family

b. Board Type and Decision: In a records review conducted on 22 April 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the separating offenses of drunk on duty, illegal substance abuse, and disobeying a lawful order. 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. Board member names are 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: 24 May 2011**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 27 April 2011

(2) Basis for Separation: Under the provisions of AR 635-200, Chapter 14-12c, the applicant was informed of the following reasons: on 24 September 2010 the applicant received a Company Grade Article 15 for violation of Article 92 by violating a lawful general regulation. Also, on 13 January 2011 the applicant received a Company Grade Article 15 for violation of Article 91 by disrespecting a Noncommissioned Officer. The applicant received a vacation of suspension on 10 March 2011 for violation of Article 86 by failing to go at the time prescribed to your appointed place of duty. Also, on 29 March 2011. The applicant received a Field Grade Article 15 for violation of Article 112a by wrongfully using a controlled substance.

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

(4) Legal Consultation Date: 28 April 2011 / The Election of Rights memorandum did not allow the applicant to elect for counsel, but it does state the applicant was given the opportunity to confer with counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: On 2 May 2011, the separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12c, Commission of a Serious Offense. / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 12 December 2008 / 6 years

b. Age at Enlistment / Education / GT Score: 22 / GED / 105

c. Highest Grade Achieved / MOS / Total Service: E-4 / 13D1P, Field Artillery Automation / 3 years, 10 months, 16 days

d. Prior Service / Characterizations: RA, 9 July 2007 – 11 December 2008 / HD

e. Overseas Service / Combat Service: SWA / Iraq (5 December 2008 – 20 November 2009)

f. Awards and Decorations: ARCOM, AGCM, NDSM, GWOTSM, ICM-2CS, NCOPDR, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Memorandum Request for Breathalyzer Test, 10 September 2010, reflects the company commander requested a breathalyzer test due to suspecting the applicant being drunk on duty on 10 September 2010.

Electronic Copy of Specimen Custody Document – Drug Testing, 1 March 2011, reflects the applicant tested positive for THC 492 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 22 February 2011.

Orders 062-001, 3 March 2011, reflects the promotion orders 333-011, 29 November 2010, pertaining to promotion from Specialist to Sergeant for the applicant were revoked or rescinded.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 24 September 2010, for wrongfully have alcohol concentration on their breath higher than .05 grams per liters while on duty. The punishment consisted of extra duty 14 days.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 13 January 2011, for willfully disobeyed a noncommissioned officer. The punishment consisted of a reduction to E-3 (suspended), and extra duty and restriction for 14 days.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 29 March 2011 for wrongfully using marijuana a controlled substance. The punishment consisted of a reduction to

E-2, forfeiture of \$400 pay per month for two months, oral reprimand and extra duty and restriction for 45 days.

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

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

(1) **Applicant provided:** VA Letter Appointment Reminder for the PTSD 101 Class, 26 January 2012, reflects the applicant had five scheduled appointment time for PTSD class.

LRMC Discharge Instructions, 10 February 2012, reflects information about Anxiety.

Adult Preventive and Chronic Care Flowsheet, reflects the applicant's medical history to include a list of chronic illness and medication.

Chronological Record of Medical Care, 5 April 2011, reflects the applicant was seen for a neuropsychological screening assessment as part of comprehensive care in the TBI and NeuroRehab Clinic.

(2) **AMHRR Listed:** Report of Behavioral Health Evaluation (BHE), March 2011 (day is illegible), reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was diagnosed with unspecified psychoactive substance abuse, poly-substance abuse and adjustment disorder with disturbance of emotion and conduct. The applicant was screened for TBI and PTSD. The applicant denied experiencing a traumatic event and/or blow to the head during military service. The applicant was psychiatrically cleared for any administrative action deemed appropriate by the command.

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; third-party memorandum; VA PTSD Class 101 Appointment Reminder; two Anxiety Discharge Instructions; Adult Preventive and Chronic Care Flowsheet; Chronological Record of Medical Care; Enlistment/Reenlistment Document Armed Forces of the United States; Panic Attack Discharge Instructions; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: Sought mental health treatment.

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-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.

The applicant contends their discharge was unjust due to untreated PTSD and service-related injuries, including a TBI from a jump injury and ongoing mental, physical, and combat stress experienced while serving as an intelligence analyst in Iraq. They assert military service aggravated pre-existing trauma. The applicant's AMHRR contains documentation supporting an

in-service diagnosis of Unspecified Psychoactive Substance Abuse, Poly-Substance Abuse, and Adjustment Disorder with Disturbance of Emotion and Conduct. The record shows the applicant underwent a behavioral health evaluation (BHE) March 2011, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The separation authority considered the BHE.

The applicant contends enduring hazing by noncommissioned officers without recourse. 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 an upgrade to access full benefits and support their family. 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.

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 and Adjustment Disorder.

(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? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between PTSD and the use of substances to self-medicate, and PTSD and problems with authority figures, the offenses of drunk on duty, wrongful use of marijuana, and disobeying an NCO by moving a vehicle without providing proof of insurance 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 outweighed the separating offenses of drunk on duty, illegal substance abuse, and disobeying a lawful order.

b. Response to Contention(s):

(1) The applicant contends their discharge was unjust due to untreated PTSD and service-related injuries, including a TBI from a jump injury and ongoing mental, physical, and combat stress experienced while serving as an intelligence analyst in Iraq. They assert military service aggravated pre-existing trauma. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the separating offenses of drunk on duty, illegal substance abuse, and disobeying a lawful order. Therefore, a discharge upgrade is warranted.

(2) The applicant contends they endured hazing by noncommissioned officers without recourse. The Board considered this contention during proceedings, but found no evidence, other than the applicant's assertion, that the applicant was hazed or otherwise mistreated.

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(3) The applicant contends an upgrade to access full benefits and support their family. 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 that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the separating offenses of drunk on duty, illegal substance abuse, and disobeying a lawful order. 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.

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 outweighed the separating offenses of drunk on duty, illegal substance abuse, and disobeying a lawful order. Thus, the prior characterization is no longer appropriate.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as drug offenses did occur, making the reason the applicant was discharged both proper and equitable.

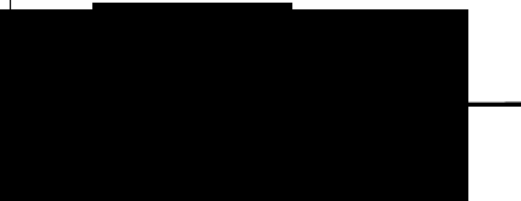
(3) The RE code will not change due to the BH condition(s) and service connection. The current code is consistent with the procedural and substantive requirements of the regulation.

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:

4/24/2025

**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

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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