

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 is inequitable due to PTSD, depression, and chronic pain went untreated during service. These conditions, compounded by the stress of multiple deployments and the loss of their grandmother, contributed to poor decision-making and substance misuse. Since discharge, they have undergone extensive treatment, including medication, counseling, and group therapy, leading to five years of sobriety and improved stability. The applicant contends their current discharge status and 60 percent disability rating have made it difficult to find employment, impacting their ability to support their family. They respectfully request reconsideration, believing an upgrade will allow them to rebuild their life and fulfill their responsibilities as a wartime veteran.

- b. **Board Type and Decision:** In a records review conducted on 15 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense. 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, and the reentry code to RE-3.

*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 / AR 635-200, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

- b. **Date of Discharge:** 11 January 2005

- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 8 December 2004

- (2) **Basis for Separation:** Under the provisions of AR 635-200, Chapter 14, Paragraph 14-12c, the applicant was informed of the following reasons: the applicant tested positive for THC on 3 October 2004.

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

(4) Legal Consultation Date: On 8 December 2004, the applicant waived legal counsel.

(5) Administrative Separation Board: On 8 December 2004, the applicant unconditionally waived consideration of the case before an administrative separation board.

(6) Separation Decision Date / Characterization: On 17 December 2004, 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: 20 August 2003 / 6 years

b. Age at Enlistment / Education / GT Score: 28 / High School Graduate / 118

c. Highest Grade Achieved / MOS / Total Service: E-5 / 92F2O, Petroleum Supply Specialist / 9 years, 7 months, 19 days

d. Prior Service / Characterizations: RA, 23 May 1995 – 10 June 1998 / HD
RA, 11 June 1998 – 20 August 2003 / HD

e. Overseas Service / Combat Service: Germany; SWA / Kuwait (21 May 1999 – 25 May 2003)

f. Awards and Decorations: ARCOM-2, AAM-3, AGCM-2, NDSM-2, GWOTSM, ASR, OSR

g. Performance Ratings: November 2002 – October 2003 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: Electronic Copy of Specimen Custody Document – Drug Testing, 20 October 2004, reflects the applicant tested positive for THC 36 (marijuana) during an Inspection Unit (IU) urinalysis testing conducted on 7 October 2004.

Memorandum, Positive Test Required Actions, 21 October 2004, reflects the necessary actions the command needed to take as a result of the applicant testing positive for THC during a urinalysis on 7 October 2004.

Chapter Recommendation Memorandum, 22 October 2004, reflects the commander notified the applicant of a recommendation to be separated from the Army in accordance with AR 635-200 Chapter 14-12c (UOTHC Comm of Serious Off). The applicant signed in acknowledgement of the recommendation.

CID Report of Investigation Memorandum, 27 October 2004, reflects the applicant waived their rights and provided a sworn statement indicating that on 3 October 2004 they smoked a cigarette containing marijuana with their cousin while driving around town. Investigation established probable cause to believe the applicant committed the offenses of wrongful use and possession of marijuana when, on 7 October 2004, they provided a urine sample that was subsequently tested and found positive for the presence of Tetrahydrocannabinol (THC). The investigation was terminated IAW paragraph 4-17a (4), CIDR 195-1. The supported SJA was of the opinion that sufficient evidence was available to prosecute the perpetrators for the

offense(s), that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional.

Receipt For Inmate or Detained Person, 25 October 2004, reflects the applicant was charged with wrongful use of control substance. The applicant was released to their unit in apparent good physical condition.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 8 November 2004, for failing to obey a lawful order by a DA police officer to obtain a vehicle pass. The punishment consisted of a reduction to E-3 (suspended), forfeiture of \$370 pay (suspended), and extra duty 14 days.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Command Referred Mental Status Report Memorandum, 4 November 2004, reflects the was responsible for their actions, had the mental capacity to understand and participate in proceedings, and met medical retention standards. There was no evidence of treatable psychiatric disorder which warranted disposition through medical channels or medical evaluation board. 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; NCO Evaluation Report; two Service School Academic Evaluation Reports; four Recommendations for Award; Army Good Conduct Award Orders; eight award certificates; Enlisted Record Brief; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: Received treatment for pain and anger which contributed to addiction to narcotics and drugs which has resulted in five years of sobriety.

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 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(6) 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.

(7) 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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes: RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 contends their discharge is inequitable due to untreated PTSD, depression, and chronic pain during service. These conditions, compounded by the stress of multiple deployments and the loss of their grandparent, contributed to poor decision-making and substance misuse. The command was notified 21 October 2004 through the Positive Test and Required Actions memorandum that the applicant must be referred to the Army Substance Abuse Program (ASAP) Rehabilitation Section. The ASAP enrollment was not in the applicant's AMHRR. 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 contains no documentation supporting an in-service diagnosis. The record shows the applicant underwent a mental status evaluation (MSE) on 4 November 2004, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The separation authority considered the MSE. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

The applicant contends since discharge, they have undergone extensive treatment, including medication, counseling, and group therapy, leading to five years of sobriety and improved stability. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service.

The applicant contends their current discharge status and 60 percent disability rating have made it difficult to find employment, impacting their ability to support their family. They respectfully request reconsideration, believing an upgrade will allow them to rebuild their life and fulfill their responsibilities as a wartime veteran. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

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.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant is service connected by the VA for PTSD which establishes that the condition 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 PTSD and using substances for self-medication, the positive test for THC that led to the separation is 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 applicant's illegal substance abuse.

b. Response to Contention(s):

(1) The applicant contends their discharge is inequitable due to untreated PTSD, depression, and chronic pain during service. These conditions, compounded by the stress of multiple deployments and the loss of their grandparent, contributed to poor decision-making and substance misuse. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse.

(2) The applicant contends their current discharge status and 60 percent disability rating have made it difficult to find employment, impacting their ability to support their family. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(3) The applicant contends since discharge, they have undergone extensive treatment, including medication, counseling, and group therapy, leading to five years of sobriety and improved stability. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense. 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, and the reentry code to RE-3.

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 applicant's illegal substance abuse. 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 change to RE-3.

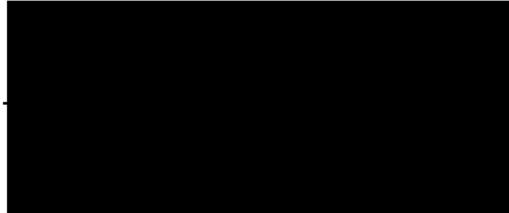
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
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10. BOARD ACTION DIRECTED:

- 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: RE-3
- e. Change Authority to: AR 635-200

Authenticating Official:

6/30/2025



Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral Health (Issues)
OMPF – Official Military Personnel File
PTSD – Post-Traumatic Stress Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized Discharge
UOTHC – Under Other Than Honorable Conditions
VA – Department of Veterans Affairs