

1. Applicant's Name: [REDACTED]**a. Application Date:** 21 April 2021**b. Date Received:** 21 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, they finally understand they abused marijuana and lashed out at their superiors because of an undiagnosed post-traumatic stress disorder (PTSD). The applicant has completed therapy, begun taking medications, and attended school through the Vocational Rehabilitation Program. The applicant was informed they should attempt to upgrade their discharge and use the GI Bill. The applicant views their behavior at the time as desperation and unwarranted anger. The applicant witnessed things in Iraq a person 18 years old should have never seen. The events changed the applicant. The applicant witnessed many Soldiers the applicant served with follow the same route to addiction and anger. The applicant became numb to everyday life and considered suicide while in the service. Their leadership failed them and mocked their outright cries for help. The applicant was turned into the platoon "shitbag" and was kept separate from the rest of the platoon to not "infect" the platoon with their attitude. This made matters worse, and the applicant turned deeper into drugs and alcohol to make themselves numb to the depression. The applicant sought psychiatric help but had an allergic reaction to prescribed medication causing homicidal suicidal thoughts. The applicant became erratic, lashed out at superiors, and defiant of orders. The applicant understands now these were signs of PTSD, but at the time, the applicant was diagnosed with depression. When the applicant tested positive on the urinalysis, the applicant did not receive any further assistance and was quickly discharged and given a general (under honorable conditions), which barred the applicant from using the GI bill they paid for. The applicant is also restricted from other services because of their discharge. The applicant was a good Soldier while in Iraq. It was only after their return their personality changed. The applicant provided a testimony from their parent, one of the few people who have stuck by them through all of this, and the applicant believes the parent would know more than anyone about the changes the applicant has been going through.

b. Board Type and Decision: In a records review conducted on 15 April 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 separating 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), the separation code to JKN, and the reentry code to RE-3.

*Please see the **Board Discussion and Determination** section for more details regarding the Board's decision. Board member names available upon request.*

3. DISCHARGE DETAILS:**a. Reason / Authority / Codes / Characterization:** Misconduct /

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000256

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

b. Date of Discharge: 28 July 2005

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 18 July 2005

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant received a Field Grade Article 15 on 1 July 2005 for wrongful use of marijuana. The applicant's actions demonstrated further attempts to rehabilitate them would have most likely been unsuccessful.

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

(4) Legal Consultation Date: 18 July 2005

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 21 July 2005 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 4 June 2003 / 6 years

b. Age at Enlistment / Education / GT Score: 18 / HS Graduate / 111

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 2 years, 1 month, 25 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany, SWA / Iraq (15 November 2003 – 15 July 2004)

f. Awards and Decorations: ARCOM, PUC, NDSM, GWOTEM, GWOTSM, ASR, OSR, OSB, CIB

g. Performance Ratings: N/A

h. Disciplinary Action(s) / Evidentiary Record: Electronic Copy of Specimen Custody Document – Drug Testing, 20 June 2005, reflects the applicant tested positive for THC 120 (marijuana) during an Inspection Unit (IU) urinalysis testing conducted on 31 May 2005.

Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 1 July 2005, for wrongfully using marijuana (between 31 April and 25 May 2005). The punishment consisted of a reduction to E-1, forfeiture of \$617 pay, extra duty for 45 days, and restriction.

Four Developmental Counseling Forms for failing to render the proper courtesy to a senior noncommissioned officer (NCO); failing to follow orders; failing to clean their room; receiving a Field Grade Article 15; pass privileges being revoked; and being command-referred to the Army Substance Abuse Program.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Medical History, 22 June 2005, reflects the examining medical physician noted in the comments section: The applicant diagnosed self with stress, but no SF 600 could be found in medical records to cosign diagnosis. The applicant was being treated by Mental Health for depression and was prescribed medication.

Report of Mental Status Evaluation, 15 July 2005, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements

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

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; self-authored statement; third-party; Recommendation for Award; and ARCOM Certificate.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has completed therapy, started taking medications, and started school through the Vocational Rehabilitation Program, pursuing a degree in agriculture to serve their country by growing food for their community.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(3) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(4) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(5) 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 14-2c, 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.

(7) 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.

(8) 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 contends PTSD affected behavior, leading to the discharge. The applicant provided a third-party letter from their parent describing the applicant's change in behavior after

returning from combat to support the applicant's contention. The applicant's AMHRR reflects the applicant reported mental health issues during a medical examination. On 6 July 2005, the examining medical physician noted in the comments section: The applicant self-diagnosed with stress, but no SF 600 could be found in medical records to cosign diagnosis. The applicant was being treated by Mental Health for depression and was prescribed medication. The record shows the applicant underwent a mental status evaluation (MSE) on 15 July 2005, indicating the applicant was mentally responsible and recognized right from wrong. The MSE does not indicate any diagnosis. The applicant reported mental health issues during their medical examination. The separation authority considered the documents in the applicant's AMHRR.

The applicant contends good service, including a combat tour. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends they no longer received mental health assistance after the positive urinalysis and were harassed and ostracized because of mental health issues. The evidence of the applicant's AMHRR shows the command attempted to assist the applicant in performing and conducting according to Army standards by providing counseling and imposition of non-judicial punishment. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends an upgrade of the discharge would allow educational benefits through the GI Bill and other veterans benefits. Eligibility for veteran's benefits 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 contends completing therapy, beginning their medications, beginning school through the Vocational Rehabilitation Program, and pursuing a degree in agriculture to serve their country by growing food for their community. 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 and Depressive Disorder NOS.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 30 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, the applicant's illegal substance abuse offense 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 separating illegal substance abuse offense.

b. Response to Contention(s):

(1) The applicant contends PTSD affected behavior, leading to the discharge. The Board liberally considered this contention, found it valid, and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse offense.

(2) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings, but ultimately did not address it in detail due to medical mitigation.

(3) The applicant contends they no longer received mental health assistance after the positive urinalysis and was harassed and ostracized because of mental health issues. The Board considered this contention during proceedings, but ultimately did not address it in detail due to medical mitigation.

(4) The applicant contends an upgrade of the discharge would allow educational benefits through the GI Bill and other veterans benefits. 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.

(5) The applicant contends completing therapy, beginning their medications, beginning school through the Vocational Rehabilitation Program, and pursuing a degree in agriculture to serve their country by growing food for their community. The Board considered this contention during proceedings, but ultimately did not address it in detail due to medical mitigation.

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), the separation code to 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 separating illegal substance abuse offense. 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

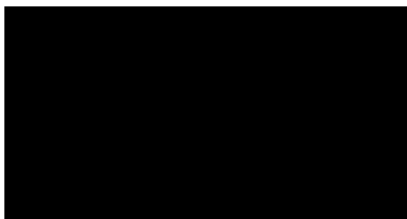
AR20210000256

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:

4/18/2025



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