

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, the first tour in the military was completed at the rank of E-4 and received a GCM. Shortly after, the applicant was deployed to OEF and OIF and received ARCOM, AAM, GWOTSM, ASR, OSR, and KPUC. The applicant has led an exemplary service during their eight years of service. Due to the applicant's situation with both family medical and personal PTSD issues, the career suffered, and they were unable to maintain stability. The spouse passed away on 31 December 2006 from complications with hypertension and liver failure, along with the applicant's PTSD and service-related problems.

b. Board Type and Decision: In a records review conducted on 3 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 applicant's offenses of AWOL, illegal substance abuse, and disrespect toward an NCO. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 30 May 2006**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 24 February 2006

(2) Basis for Separation: The applicant was informed of the following reasons: NIF / The Commander's Report reflects the applicant tested positive for Methamphetamines on 31 October 2005 and received a Field Grade Article 15 on 21 December 2005. Separation action was mandatory. The applicant also received Article 15s on 23 March 2005 for dereliction of duty and 3 August 2005 for AWOL and disrespect toward a superior noncommissioned officer.

(3) **Recommended Characterization:** Under Other Than Honorable Conditions

(4) **Legal Consultation Date:** 27 February 2006

(5) **Administrative Separation Board:** On 27 February 2006, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

(6) **Separation Decision Date / Characterization:** On 15 May 2006, the separation authority approved the conditional waiver; however, it appears the wrong box was checked, which directed a discharge of under other than honorable conditions. / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 1 April 1998 / NIF / The AMHRR is void of any enlistment contract retaining the applicant on active duty after the initial/most recent enlistment period.

b. **Age at Enlistment / Education / GT Score:** 19 / High School Transcript / 110

c. **Highest Grade Achieved / MOS / Total Service:** E-6 / 25Q30, Multichannel Transmission Systems Operator-Maintainer / 8 years, 1 month, 27 days

d. **Prior Service / Characterizations:** 1 April 1998 – 1 April 2002 / HD

e. **Overseas Service / Combat Service:** Korea, SWA / Iraq (1 February 2003 – 31 August 2003)

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

g. **Performance Ratings:** February 2002 – January 2003 / Fully Capable
February 2003 – January 2004 / Fully Capable
February 2004 – June 2004 / Among the Best
July 2004 – January 2005 / Fully Capable
February 2005 – September 2005 / Fully Capable

h. **Disciplinary Action(s) / Evidentiary Record:** Serious Incident Report (SIR), 15 February 2005, reflects on or about 2250 hours on 14 February 2005, the applicant, BDE Staff Duty NCO, informed the Alpha Company Chain of Command about the SPC H. incident. The applicant informed the staff duty OIC, 2LT J., they were not feeling well; however, they were going to conduct the checks. 2LT J. completed the SIR on SPC H. then began the nightly checks. After completing the checks, 2LT J. signed out at BDE Staff and went home. The applicant informed SPC B., the Staff Duty Runner, the spouse was coming to pick the applicant up for a little while around 2345. SPC B. told the applicant to go home because "they could handle the duty and did not need them." SPC B. remained at the duty desk and took no further action. At the morning checks, 2LT J. found the SDNCO had not been in since the last time they saw them around 2250. 2LT J. called the applicant at their home to find out what the situation was which caused them to leave their post. The applicant told 2LT J. they were sick. 2LT J. informed the applicant to come in or go to the hospital. 2LT J. completed their checks and notified the PSG, SFC M., about the applicant's actions on or about 0615 hours on 15 February 2005. SFC M. informed the Commander, CPT E., at 0810 the applicant had been missing from

duty and an ambulance was currently at the home to take the applicant to the hospital. CPT E. immediately notified LTC W. and CSM N. in reference to this incident. CPT E. had SFC M. go to the BDE Command Group to receive the out brief with the BDE CSM.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 24 March 2005, on or about 14 February 2005, was derelict in the performance of their duties by negligently failing to perform the duties as the 11th Signal Brigade Staff Duty NCO. The punishment consisted of a reduction to E-5, and forfeiture of \$1,102 pay per month for two months (suspended).

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 29 July 2005, on or about 16 June 2005, without authority, absent oneself from the unit and did remain so absent until on or about 18 June 2005; and on or about 17 June 2005, was disrespectful in language toward SFC E. G. The punishment consisted of forfeiture of \$300 pay per month for one month (suspended), extra duty for 12 days, and an oral reprimand.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 22 December 2005, on or about 26 October 2005 and on or about 31 October 2005, wrongfully use Methamphetamine, a schedule II controlled substance. The punishment consisted of a reduction to E-4, forfeiture of \$978 pay per month for two months, extra duty for 45 days, and oral reprimand.

CID Report of Investigation – Initial Final – 0249-2005-CID446-28176-5L3C/5L3D1, 22 November 2005, investigation established probable cause to believe the applicant committed the offense of the Possession of Methamphetamine when they attempted to pass through the LAX baggage security and was found in possession of approximately three grams of methamphetamine. The applicant was then arrested by the LAX Police and released on their own recognizance. Investigation further established probable cause to believe the applicant committed the offense of the Wrongful Use of Methamphetamine when they were administered a command directed urinalysis due to their arrest, which subsequently tested positive for methamphetamine. The applicant was interviewed and admitted they used and possessed methamphetamine.

Electronic Copy of Drug Testing, 10 November 2005, reflects the applicant tested positive for AMP > LOL DMET 97.1 percent MET 128300, during a Probable Cause (PO) urinalysis testing, conducted on 31 October 2005.

i. Lost Time / Mode of Return: 2 days (AWOL, 16 June 2005 – 18 June 2005) / NIF

j. Behavioral Health Condition(s):

(1) Applicant provided: Sierra Family Associates letter, 27 January 2006, reflects the applicant has been in individual therapy since March of 2006 for issues of Post-Traumatic Stress Disorder and more recently for chemical dependency. The applicant has been in individual and group counseling and appears sober and motivated to work through their challenging set of issues.

Sierra Family Associates letter, 18 May 2006, reflects the applicant had been attending counseling for chemical dependency since 20 October 2005. The diagnosis is Amphetamine Dependence and Alcohol Dependence both in remission. The applicant had attended 21 sessions of counseling to date.

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 23 June 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 applicant was diagnosed with Axis I: 309.9 Adjustment Disorder NOS, PTSD symptoms.

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 Correction of Military Record; self-authored statement; ASAP letter; two Sierra Family Associates letters; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: The applicant remarried and has a great family and healthy life. The applicant has had a successful career with Comcast Cable Inc., for the last six years.

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 prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense

warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

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 available evidence reflects the applicant received notification of the intent to discharge them from the U.S. Army for testing positive for Methamphetamines on 31 October 2005 and received a Field Grade Article 15 on 21 December 2005. Separation action was mandatory. The applicant also received Article 15s on 23 March 2005 for dereliction of duty and 3 August 2005 for AWOL and disrespect toward a superior noncommissioned officer; they conditionally waived consideration of their case by an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge. The separation authority approved the conditional waiver and the applicant's discharge from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for misconduct (serious offense).

The applicant contends suffering from undiagnosed PTSD causing them to self-medicate. The applicant provided a Sierra Family Associates letter, 27 January 2006, reflecting the applicant had been in individual therapy since March of 2006 for issues of Post-Traumatic Stress Disorder and, more recently, for chemical dependency. The applicant had been in individual and group counseling and appears sober and motivated to work through their challenging issues. Sierra Family Associates letter, 18 May 2006, reflects the applicant had been attending counseling for chemical dependency since 20 October 2005. The diagnosis was Amphetamine Dependence and Alcohol Dependence, both in remission. The applicant has attended 21 counseling sessions to date. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 23 June 2005, which 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 applicant was diagnosed with Axis I: 309.9 Adjustment Disorder NOS, PTSD symptoms. The separation authority considered the MSE.

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

The applicant contends the spouse's failing health and death were inevitable and they did not know how to cope with their grief. The applicant did not submit evidence other than their statement to support the contention. There is no evidence in the AMHRR the applicant ever sought assistance before committing the misconduct leading to the separation action under review.

The applicant is remarried and has a great family and healthy life. The applicant has had a successful career with Comcast Cable Inc. for six years. 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: Adjustment Disorder, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with an Adjustment Disorder and PTSD, and the VA has service connected the PTSD.

(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. The applicant was diagnosed in service with an Adjustment Disorder and PTSD, and the VA has service connected the PTSD. Given the nexus between PTSD and self-medicating with substances, testing positive for methamphetamines in mitigated. In addition, there is a nexus between PTSD, avoidance, and difficulty with authority, so the dereliction of duty, AWOL, and disrespect are also 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 offenses of AWOL, illegal substance abuse, and disrespect toward an NCO.

b. Response to Contention(s):

(1) The applicant contends suffering from undiagnosed PTSD causing them to self-medicate. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's offenses of AWOL, illegal substance abuse, and disrespect toward an NCO. Therefore, a discharge upgrade is warranted.

(2) The applicant contends good service, including a combat tour and receiving numerous awards. 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 offenses of AWOL, illegal substance abuse, and disrespect toward an NCO.

(3) The applicant contends the spouse's failing health and death were inevitable and they did not know how to cope with their grief. 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 offenses of AWOL, illegal substance abuse, and disrespect toward an NCO.

(4) The applicant is remarried and has a great family and healthy life. The applicant has had a successful career with Comcast Cable Inc. for six years. 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 offenses of AWOL, illegal substance abuse, and disrespect toward an NCO.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's offenses of AWOL, illegal substance abuse, and disrespect toward an NCO. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's offenses of AWOL, illegal substance abuse, and disrespect toward an NCO. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

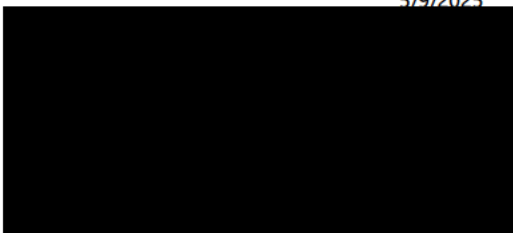
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10. BOARD ACTION DIRECTED:

- 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: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

5/9/2025



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