

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, having a flawless military career until Iraq. The applicant began suffering from PTSD and was on depression medication. The depression medication did not work for the applicant, creating additional complications. The applicant's paranoid condition worsened. The applicant's depression continued after returning to the States and smoked pot to self-medicate. Other than the instance causing the applicant's discharge, the applicant excelled in the military, completing many schools, receiving many awards, and spent 14 months in Iraq. The applicant was ashamed of their PTSD and hid it after returning to the States.

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, Anxiety Disorder, and Depression outweighing the applicant's offense of AWOL, DUI, and illegal substance abuse. 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 (Drug Abuse) / AR 635-200, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 15 October 2009

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 6 October 2009

(2) Basis for Separation: The unit commander informed the applicant under the provisions of AR 635-200, Chapter 14-12c, Commission of a Serious Offense, of the following reasons:

The applicant was informed of the following reasons:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000312

Misconduct-abuse of illegal drugs;

Between on or about 23 June 2009 and on or about 23 July, wrongfully used marijuana;

Absent Without Leave from on or about 15 June 2009 until on or about 23 July 2009;

On or about 14 June 2009, operated a passenger vehicle while drunk; and,

On or about 15 June 2009, wrongfully appropriated a passenger vehicle, of a value greater than \$500, the property of SPC R. E W.

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

(4) Legal Consultation Date: 6 October 2009

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: On 7 October 2009, 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: 6 September 2006 / 2 years

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 109

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 5 years, 2 months, 2 days

d. Prior Service / Characterizations: RA, 10 June 2004 – 5 September 2006 / HD

e. Overseas Service / Combat Service: Germany, SWA / Iraq (20 September 2007 – 18 November 2008)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: United States District Court Violation Notice, 14 June 2009, reflects the applicant was the subject of an investigation for failure to maintain lane, unsafe lane usage, proof of liability insurance and driving under the influence.

Five Personnel Action forms, reflect the applicant's duty status changed as follows:

From Present for Duty (PDY) to Failed to Report (FTR), effective 15 June 2009;

From FTR to Absent Without Leave (AWOL), effective 16 June 2009;

From AWOL to Dropped From Rolls (DFR), effective 16 June 2009;

From DFR to PDY, effective 23 July 2009; and,

From Confinement to PDY, effective 10 October 2009.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000312

General Officer Memorandum of Reprimand, 16 June 2009, reflects on 14 June 2009, a Military Police Officer observed the applicant operating a vehicle in an unsafe manner (unsafe lane usage). A traffic stop was conducted, and the officer detected an odor of alcohol emanating from the applicant's person. Afterwards, the officer administered a field sobriety test in which the applicant performed poorly. Later, the applicant refused a breathalyzer.

Electronic Copy of Drug Testing, 5 August 2009, reflects the applicant tested positive for THC 71 (marijuana), during an Inspection Other (IO) urinalysis testing, conducted on 23 July 2009.

Report of Result of Trial reflects the applicant was tried in a Summary Court-Martial on 16 September 2009. The applicant was charged with four specifications. The summary of offenses, pleas, and findings:

Charge I: Violation of Article 86, UCMJ. The Specification: On or about 15 June 2009, without authority, absent oneself from the unit and did remain so absent until on or about 23 July 2009: guilty, consistent with the plea;

Charge II: Violation of Article 111, UCMJ. The Specification: On or about 14 June 2009, operate a passenger vehicle while drunk: guilty, consistent with the plea;

Charge III: Violation of Article 112a, UCMJ: The Specification: On or about 23 June 2009 and on or about 23 July 2009, wrongfully use marijuana: guilty, consistent with the plea; and,

Charge IV: Violation of Article 121, UCMJ: The Specification: On or about 15 June 2009, wrongfully appropriate a passenger vehicle, of a value greater than \$500, the property of SPC R. E. W: guilty, consistent with the plea.

Sentence: To be confined for 30 days; to be reduced to Private (E-1); to forfeit 2/3 pay per month for one month.

Several Developmental Counseling Forms, for various acts of misconduct.

i. Lost Time / Mode of Return: 62 days:

AWOL, 15 June 2009 – 23 July 2009 / NIF

Confinement, 16 September 2009 – 10 October 2009 / Released from Confinement

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Mental Status Evaluation (MSE), 23 July 2009, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; and could appreciate the difference between right and wrong. The applicant was diagnosed with Adjustment D/O with mixed emotion, and Alcohol Abuse.

Report of Medical History, 20 August 2009, the examining medical physician noted the applicant was treated at Behavioral Health for depression, anxiety, and conversion disorder. Prescribed medication and reports moderate improvement at treatment in the comments section.

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; VA Claim Form Receipt; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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

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

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

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

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable

characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

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

d. Army Regulation 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 14-3 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 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 available evidence reflects the was notified of the intent to discharge them from the U.S. Army for wrongfully using marijuana, being AWOL, operating a passenger vehicle while drunk, and wrongfully appropriating a passenger vehicle. The applicant requested consulting counsel and representation by military counsel and was involuntarily discharged 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 (drug abuse).

The applicant contends after serving in Iraq, suffering from PTSD and was placed on depression medication. The depression medication did not work and created additional complications. The paranoid condition worsened. The applicant smoked marijuana to self-medicate for PTSD. The applicant was ashamed of the PTSD and hid after returning to the States. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 23 July 2009, reflecting the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings and could appreciate the difference between right and wrong. The applicant was diagnosed with Adjustment D/O with mixed emotions and Alcohol Abuse. A Report of Medical History, 20 August 2009, reflects the examining medical physician noted the applicant was treated at Behavioral Health for depression, anxiety, and conversion disorder and prescribed medication and reports moderate improvement at treatment in the comments section. The separation authority considered the MSE and the Report of Medical History.

The applicant contends good service, including a combat tour, completing many schools 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 event leading to the discharge from the Army was an isolated incident. Army Regulation 635-200, paragraph 3-5, in pertinent part, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

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, Depression, Anxiety Disorder NOS, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder, Depression, Anxiety Disorder NOS and is service connected by the VA for PTSD. Service connection establishes that the applicant's PTSD also existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions partially mitigate the discharge. Given the nexus between PTSD, Depression, Anxiety Disorder NOS, self-medicating with substances, and avoidance, the wrongful use of marijuana, DUI, and AWOL are mitigated. However, there is no natural sequela between an Adjustment Disorder, Depression, Anxiety Disorder NOS, or PTSD and wrongfully appropriating a passenger vehicle since none of these conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right.

(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, Anxiety Disorder, and Depression outweighed the applicant's offense of AWOL, DUI, and illegal substance abuse. The Board found that, in this case, the applicant's offense of wrongfully appropriating a passenger vehicle did not rise to a level to negate meritorious service.

b. Response to Contention(s):

(1) The applicant contends after serving in Iraq, suffering from PTSD and was placed on depression medication. The depression medication did not work creating additional complications. The paranoid condition worsened and the applicant smoked marijuana to self-medicate for the PTSD. The applicant was ashamed of the PTSD and hid it after returning to the States. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Depression outweighed the applicant's offense of AWOL, DUI, and illegal substance abuse. The Board found that, in this case, the applicant's offense of wrongfully appropriating a passenger vehicle did not rise to a level to negate meritorious service.

(2) The applicant contends good service, including a combat tour, completing many schools 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 medical mitigation of the applicant's misconduct.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000312**

(3) The applicant contends the event leading to the discharge from the Army was an isolated incident. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on medical mitigation of the applicant's misconduct.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Depression outweighing the applicant's offense of AWOL, DUI, and illegal substance abuse. 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, Anxiety Disorder, and Depression outweighed the applicant's offense of AWOL, DUI, and illegal substance abuse. The Board found that, in this case, the applicant's offense of wrongfully appropriating a passenger vehicle did not rise to a level to negate meritorious service. 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.

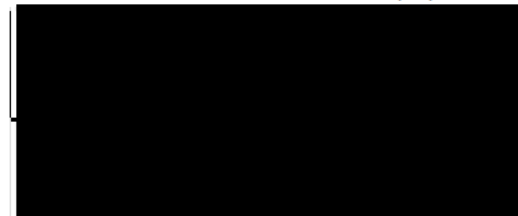
(3) The RE code will change to RE-3.

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:

4/30/2025



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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000312

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