

1. **Applicant's Name:** [REDACTED]
  - a. **Application Date:** 26 April 2021
  - b. **Date Received:** 26 April 2021
  - c. **Counsel:** [REDACTED]

## 2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

**a. Applicant's Requests and Issues:** The current characterization of service for the period under review is honorable. The applicant, through counsel, requests a narrative reason change.

The applicant seeks relief contending, in effect, being a former Army mechanic and a decorated combat veteran of the War on Terror. The applicant served in the Army for three years and was deployed to Iraq for fourteen months, and for the last six months of their deployment, they worked at the Badush Prison Camp. During their deployment, they received consistently excellent and outstanding performance reviews from their supervisor and various awards. Because of the applicant's performance, their supervisor hand-picked the applicant for a difficult assignment to the prison camp where they were mortared, quelled prison riots, and witnessed 3 of their closest friends killed by an improvised explosive device (IED) during a patrol. The applicant helped recover their friends' remains. A member of the applicant's unit who witnessed the same attack committed suicide in 2010. Prior to the IED attack, the applicant was a model Soldier attempting to build a better life for themselves and their new spouse. The applicant found himself alone to face their undiagnosed disorders. When the applicant returned home a few months after the IED incident, their spouse divorced them. The applicant began experiencing symptoms of post-traumatic stress disorder (PTSD), such as depression, anxiety, hypervigilance, and insomnia, as well as suicidal thoughts. The applicant coped with the symptoms by self-medicating with alcohol and marijuana. The applicant was discharged from the Army. After discharge, the applicant was diagnosed with severe PTSD and major depressive disorder (MDD). The Army doctors failed to diagnose the applicant properly, and the applicant did not receive any treatment for their condition for the remainder of their service. The applicant was denied the expedited citizenship and the GI Bill benefits, and they were left worse off for serving their country well and bravely. After discharge, the applicant moved back in with their parents and found a job as a technician. The applicant began to flourish once they were properly diagnosed and treated for their mental health conditions. Previously, the Department of Veterans Affairs (VA) rated the applicant with service-connected disabilities, and the applicant has applied for an increased disability rating. The applicant has not been involved in alcohol or drugs and is attending college and receiving various scholarships for their achievements. Counsel further details the contentions in the Legal Brief and an attachment to the application.

**b. Board Type and Decision:** In a records review conducted on 8 July 2025, and by a 5-0 vote, the Board, based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's illegal substance abuse offenses, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service was 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 (Drug Abuse) / AR 635-200, Paragraph 14-12c (2) / JKK / RE-4 / Honorable

b. **Date of Discharge:** 5 September 2008

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 19 August 2008

(2) **Basis for Separation:** The applicant was informed of the following reasons: Between on or about 25 January and 26 February 2008 and 15 February and 15 March 2008, the applicant wrongfully used marijuana.

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

(4) **Legal Consultation Date:** 19 August 2008

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** Undated / General (Under Honorable Conditions)

### 4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 12 July 2005 / 4 years, 24 weeks

b. **Age at Enlistment / Education / GT Score:** 21 / HS Graduate / 92

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 63M1O, Bradley Fighting Vehicle System Maintainer / 3 years, 1 month, 24 days

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** SWA / Kuwait-Iraq (20 October 2006 – 12 December 2007)

f. **Awards and Decorations:** ICM-CS, ARCOM, NDSM, ASR, OSR, CAB

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** Memorandum, subject: Request for Laboratory Document Packets, reflects the packets were requested for preparation of court-martial. The packet pertaining to the applicant, T08C0701069, was collected on 17 March 2008.

Memorandum, subject: Positive Drug Report, 14 April 2008, reflects the applicant tested positive for marijuana on 26 March 2008, confirmed on 28 March 2008.

Army Substance Abuse Program (ASAP) Enrollment form (Page 1), date unavailable, reflects the applicant was command-referred to the ASAP.

Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 29 March 2008, for wrongfully using marijuana (between 26 March and 25 April 2008). The punishment consisted of a reduction to E-1, forfeiture of \$673 pay per month for two months, extra duty for 45 days, and restriction for 45 days.

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

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

**(1) Applicant provided:** Report of Medical History, 23 July 2008, the examining medical physician noted in the comments section: Currently in Mental Health for depression, personal problem, and finished with ASAP.

Report of Medical Examination, 23 July 2008, the examining medical physician noted in the summary of defects and diagnoses section, among other conditions, depression.

Department of Veterans Affairs (VA) Disability Rating Decision, 8 August 2011, reflects the applicant was rated 30 percent disabled for PTSD, with major depressive disorder, supported by Progress Notes, 4 January 2011.

**(2) AMHRR Listed:** None

*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; Legal Brief; Attachment to DD Form 293; and all enclosures listed in the Index of Exhibits, exhibits 1 through 16.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant continues treatment for PTSD, has not used alcohol or drugs, has advanced in education, had been awarded several scholarships, and received their certification as a dental assistant.

**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) 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.

(4) 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.

(5) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(6) Paragraph 14-12c(2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation under paragraph 14-12a or 14-12b as appropriate.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, misconduct (drug abuse).

f. Army Regulation 601-210, (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes. RE-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 a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant contends PTSD and MDD, led to their discharge and the VA has rated the applicant 30 percent disabled. The applicant provided medical documents reflecting applicant

was treated for in-service depression. After the applicant's discharge, the applicant was diagnosed with PTSD and major depressive disorder and the VA rated them 30 percent disabled for the conditions. The applicant's AMHRR is void of a mental status evaluation.

The applicant contends good service, including a combat tour. The third-party statement provided with the application speaks highly of the applicant and recognizes the applicant's good military service. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends the Army doctors failed to diagnose the applicant properly and the applicant did not receive any treatment for their condition for the remainder of their service. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends the narrative reason for the discharge needs to be changed to for the convenience of the government. The applicant was separated under Chapter 14, paragraph 14-12c(2), AR 635-200 provisions with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Drug Abuse)," and the separation code is "JJK." Army Regulation 635-8 (Separation Processing and Documents) governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28, and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for entry of any other reason under this regulation.

The applicant contends an upgrade of the discharge would allow veterans benefits. The current characterization of service for the period under review is honorable. 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 and/or the United States Citizenship and Immigration Services.

The applicant contends continuing treatment for PTSD, not having used alcohol and drugs, and advancing in education while being awarded several scholarships and receiving their certification as a dental assistant. 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. The third-party statement provided with the application speaks highly of the applicant. It recognized the applicant's good conduct after leaving the Army, who was a dependable hard-working employee who worked well with their co-workers.

## **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: Major Depressive 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 Major Depressive Disorder and PTSD, and the VA has service connected the Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. The applicant was diagnosed in service with Major Depressive Disorder and PTSD, and the VA has service connected the Major Depressive Disorder. Given the nexus between Major Depressive Disorder, PTSD, and self-medicating with substances, the wrongful uses of marijuana that led to the separation are mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's illegal substance abuse offenses.

**b. Response to Contention(s):**

(1) The applicant contends PTSD and MDD affected behavior, leading to their discharge and the VA has rated the applicant 30 percent disabled. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's illegal substance abuse offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends good service, including a combat tour. 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 and Major Depressive Disorder outweighing the applicant's illegal substance abuse offenses.

(3) The applicant contends the Army doctors failed to diagnose the applicant properly and the applicant did not receive any treatment for their condition for the remainder of their service. 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 and Major Depressive Disorder outweighing the applicant's illegal substance abuse offenses.

(4) The applicant contends the narrative reason for the discharge needs to be changed to for the Convenience of the Government. The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation, but does not warrant a change to Convenience of the Government as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct

(5) The applicant contends an upgrade of the discharge would allow 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.

(6) The applicant contends continuing treatment for PTSD, not having used alcohol and drugs, and advancing in education while being awarded several scholarships and receiving their certification as a dental assistant. 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 and Major Depressive Disorder outweighing the applicant's illegal substance abuse offenses.

c. The Board, based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's illegal substance abuse offenses, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service as the applicant already holds an honorable characterization and further relief is not available.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) based on medical mitigation of the applicant's illegal substance abuse offenses, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

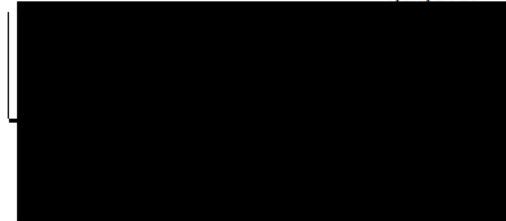
(3) The Board voted to change the RE code to RE-3.

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: No Change
- 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:**

8/28/2025



**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