

**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, performing their duties above the military standards and striving for perfection for over three years of service. The applicant graduated from AIT among the top three in the class, earning a place on the commandant's list, and received a waiver for promotion to E-2. The applicant also completed airborne training. The applicant deployed to the most kinetic area of operation in Afghanistan's RC East, Northeastern Region. The applicant was deployed for over eleven months. The applicant earned several awards and completed over three hundred and thirty hours of Army correspondence courses. The applicant had one adverse action in three years of outstanding service. The applicant self-referred into the Army Substance Abuse Program (ASAP) for help with their anger and stress issues they were coping with daily. The applicant was having marital problems and made a poor choice by smoking marijuana. Since and after the discharge, the applicant has been coping with PTSD issues, which they were diagnosed with before being discharged. The procedures outlined in OTSG/MEDCOM Policy Memo 10-040 state any Soldier being administratively separated and has been deployed overseas in support of a contingency operation will be screened for PTSD and mTBI. If during the screening process the diagnosis returns as positive, the Soldier is to receive a full comprehensive examination to assess whether the effects of the PTSD or mTBI are contributing or related to the reason for the separation. The applicant has filed a claim with the VA for PTSD. The first request was denied due to lack of evidence and states the PTSD diagnosis received was not from a licensed person. The applicant has a new and upgraded diagnosis from the VA concerning PTSD, for which they are currently being prescribed medication. The applicant has held three jobs, all seasonal, and is currently employed through a temporary agency. The applicant cannot obtain better employment due to the character of the discharge. The applicant would like an upgrade to get better employment and pursue an education using the educational benefits.

**b. Board Type and Decision:** In a records review conducted on 8 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 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. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a corresponding separation code of JKN and reentry code of RE-3.

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

**3. DISCHARGE DETAILS:**

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

**AR20210000360**

**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:** 22 December 2010

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 1 December 2010

**(2) Basis for Separation:** The applicant was informed of the following reasons: Between on or about 6 June 2010, and on or about 6 July 2010, the applicant wrongfully used marijuana, a schedule I controlled substance.

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

**(4) Legal Consultation Date:** 1 December 2010

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

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

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 27 September 2007 / 3 years, 19 weeks / On 23 June 2010, the applicant extended their enlistment for period of 14 months with a new ETS of 6 April 2012.

**b. Age at Enlistment / Education / GT Score:** 18 / GED / 105

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 13F1P, Fire Support Specialist / 3 years, 2 months, 26 days

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

**e. Overseas Service / Combat Service:** SWA / Afghanistan (2 July 2008 – 22 June 2009)

**f. Awards and Decorations:** ACM-CS, ARCOM, AAM-2, AGCM, NDSM, GWTSM, ASR, OSR, NATOMDL, CAB

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Electronic Copy of Specimen Custody Document – Drug Testing, 19 July 2010, reflects the applicant tested positive for THC (marijuana), during an Inspection Unit (IU) urinalysis testing, conducted on 6 July 2010.

Commander's Report indicates the applicant received a Field Grade Article 15, for use of marijuana from on or about 6 June 2010 to on or about 6 July 2010, pending.

Developmental Counseling Form, for violating the Army's substance abuse policy.

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

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

**(1) Applicant provided:** Department of the Army Headquarters, U.S. Army Cadet Command letter, 13 June 2012, indicates the applicant filed a claim for PTSD through the VA. The claim was denied due to insufficient evidence in the applicant's military medical record. Although VA acknowledged the distressing experiences the applicant encountered during their military service, the diagnosis of PTSD made by one of the staff members was questioned. On 1 December 2010, a Licensed Clinical Social Worker (LCSW) diagnosed the applicant as having PTSD and cleared them for discharge. The applicant should have gone through a more comprehensive screening once they were identified as having PTSD. Unfortunately, the applicant was not given the full comprehensive screening prior to the discharge; therefore, the medical record is lacking supportive documentation. The office stands behind the diagnosis of PTSD for the applicant and hopes they may receive further treatment for their military service-connected medical diagnosis.

**(2) AMHRR Listed:** Mental Status Evaluation (MSE), 1 December 2010, reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings and met the retention requirements of chapter 3, AR 40-501. The MSE did not include a diagnosis.

*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; self-authored statement; four third-party letters; Department of the Army Headquarters, U.S. Army Cadet Command letter; ASAP Referral letter; OTSG/MEDCOM Policy Memo 10-040; VA Claim; Certificate of Release or Discharge from Active Duty.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant has been coping with PTSD issues, which they were diagnosed with prior to being discharged. The applicant has held three jobs, all have been seasonal and is currently employed through a temporary agency.

**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(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 applicant received notification of the intent to discharge them from the U.S. Army for wrongfully using marijuana, a schedule I controlled substance. 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 they have been coping with PTSD issues, which they were diagnosed with before being discharged. The applicant has filed a claim with the VA for PTSD. The first request was denied due to lack of evidence and states the PTSD diagnosis received was not from a licensed person. The applicant has a new and upgraded diagnosis from the VA concerning PTSD, for which they are currently being prescribed medication. The applicant provided a Department of the Army Headquarters, U.S. Army Cadet Command letter, which indicates the applicant filed a claim for PTSD through the VA. The claim was denied due to insufficient evidence in the applicant's military medical record. Although the VA acknowledged the distressing experiences the applicant encountered during their military service, the diagnosis of PTSD made by one of the staff members was questioned. On 1 December 2010, a Licensed Clinical Social Worker (LCSW) diagnosed the applicant as having PTSD and cleared them for discharge. The applicant should have gone through a more comprehensive screening once they were identified as having PTSD. Unfortunately, the applicant was not given the full comprehensive screening before the discharge; therefore, the medical record lacks supportive documentation. The office stands behind the diagnosis of PTSD for the applicant and hopes they may receive further treatment for their military service-connected medical diagnosis. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 1 December 2010, which reflects the applicant was mentally responsible with a clear-thinking process, had the mental capacity to understand and participate in the proceedings, and met the retention requirements of Chapter 3, AR 40-501. The MSE did not include a diagnosis. The separation authority considered the MSE.

The applicant contends self-referring to ASAP. The applicant provided Memorandum, 22 April 2010, which reflects the applicant self-referred to ASAP for assessment on 17 March 2010. This was after they had a security clearance assessment in January 2010 which indicated they had an alcohol issue and report was sent which indicated the alcohol issue. The applicant was seen again on 24 March where it was discussed a Rehabilitation Team Meeting (RTM) would have to be conducted with the commander to determine if the applicant would be enrolled for ASAP treatment. Attempts to contact the commander at the time were not successful. The applicant's AMHRR does not include any evidence of a self-referral. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends good service, including a combat tour. The applicant graduated from AIT among the top three in the class, earning a place on the commandant's list, receiving a waiver for promotion to E-2, and completing airborne training. The applicant was deployed for over eleven months, earning several awards and completing over three hundred and thirty hours of Army correspondence courses. The third-party statements provided with the application reflect the applicant's hard work and dedication while serving in the U.S. Army. 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.

The applicant contends the spouse committed adultery while the applicant was deployed. These issues affected behavior and ultimately caused the discharge. The applicant did not submit any evidence other than the applicant's statement to support the contention. There is no evidence in the AMHRR the applicant ever sought assistance before committing the misconduct, which led to the separation action under review.

The applicant contends an upgrade of the discharge will allow the applicant to obtain better employment. The Board does not grant relief to gain employment or enhance employment opportunities.

The applicant contends an upgrade would allow educational benefits through the GI Bill. Eligibility for veteran's benefits, including educational benefits under the Post-9/11 or Montgomery GI Bill, does 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.

Since the discharge, the applicant has been coping with PTSD issues, which was diagnosed with before being discharged. The applicant has held three jobs, all have been seasonal and is currently employed through a temporary agency. 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 Adjustment Disorder.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant has an in-service diagnosis of PTSD, a post-service diagnosis of PTSD by VA providers, and is service connected for Adjustment Disorder (treatment only).

**(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 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 they have been coping with PTSD issues, which they were diagnosed with before being discharged. The applicant has filed a claim with the VA for PTSD. The first request was denied due to lack of evidence and states the PTSD diagnosis received was not from a licensed person. The applicant has a new and upgraded diagnosis from the VA concerning PTSD, for which they are currently being prescribed medication. The applicant contends they should have received a full comprehensive examination to access

PTSD after their deployment. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the separating illegal substance abuse offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends self-referring to ASAP. The Board considered this contention during proceedings, but ultimately did not address the contention in detail due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the illegal substance abuse offense.

(3) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings, but ultimately did not address the contention in detail due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the illegal substance abuse offense.

(4) 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 in detail due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the illegal substance abuse offense.

(5) The applicant contends their spouse committed adultery while the applicant was deployed. These issues affected behavior and ultimately caused the discharge. The Board considered this contention during proceedings, but ultimately did not address the contention in detail due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the illegal substance abuse offense.

(6) The applicant contends an upgrade of the discharge will allow the applicant to obtain better employment. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(7) The applicant contends an upgrade would allow educational benefits through the GI Bill. 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.

(8) Since the discharge, the applicant has been coping with PTSD issues, which was diagnosed before being discharged. The applicant has held three jobs, all have been seasonal and is currently employed through a temporary agency. The Board considered this contention during proceedings, but ultimately did not address the contention in detail due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the illegal substance abuse offense.

c. 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. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a corresponding separation code of JKN and reentry code of RE-3.



**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE****AR20210000360****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.

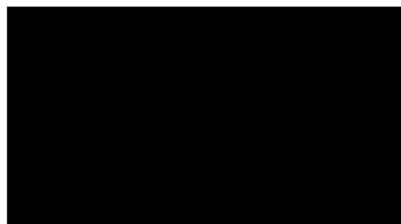
(3) The RE code will change to RE-3. This code is consistent with the procedural and substantive requirements of the regulation.

**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:**

4/9/2025



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