

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 under other than honorable conditions. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, suffering from post-traumatic stress disorder (PTSD). When the applicant returned from Iraq, they took drugs and were denied the chance to get treatment to cope with their issues. The applicant was placed on the plane and sent to Iraq after failing a drug test before leaving and received no medical attention. The applicant was demoted to E-2 after having just earned E-3. Despite being aware of their drug addiction issue, the command chose to ignore it. The applicant was promoted to E-4 by the time their tour in Iraq was up. The applicant claims suffering from PTSD and nightmares and to cope, the applicant resorted to using drugs. The applicant claims never receiving the right care to cope with their PTSD or any of the things they were exposed to. The applicant believes their chain of command failed them by failing to address their concerns, despite the fact they had served their country. A few days prior to being separated from the service, the applicant was placed in ASAP. The applicant continued to be an outstanding worker throughout the process. The applicant is presently enrolled in a program for veterans where they are learning about PTSD and the reasons behind their irrational behavior.

b. Board Type and Decision: In a records review conducted on 6 March 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's FTR, disobeying a lawful order, and the March 2006 illegal substance abuse offenses. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

*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 / Under Other Than Honorable Conditions

b. Date of Discharge: 20 December 2006

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 7 November 2006

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant tested positive for marijuana twice.

The applicant failed to report to their place of duty numerous times.

The applicant disobeyed lawful orders multiple times.

The applicant was arrested for possession of a loaded firearm and marijuana.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 8 November 2006

(5) Administrative Separation Board On 8 November 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.

On 27 November 2006, the applicant's conditional waiver was denied.

On 29 November 2006, the applicant unconditionally waived consideration of the case before an administrative separation board.

On 7 December 2006, the applicant's conditional waiver was approved.

(6) Separation Decision Date / Characterization: 7 December 2006 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 8 November 2003 / 4 years / It appears the DD Form 214, record of service, block 12a, may be incorrect. The DD Form 4 reflects an enlistment date of 4 November 2003.

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 102

c. Highest Grade Achieved / MOS / Total Service: E-4 / 44C10, Financial Management Technician / 3 years, 1 month, 17 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (19 January 2005 – 18 January 2006)

f. Awards and Decorations: ARCOM, NDSM, GWOTEM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Electronic Copy of DD Form 2624, 14 December 2004, reflects the applicant tested positive for THC 184 (marijuana), during an Inspection Random (IR) urinalysis testing, conducted on 1 December 2004.

FG Article 15, 5 January 2005, for wrongfully using marijuana (between 1 November and 1 December 2006). The punishment consisted of a reduction to E-2.

Electronic Copy of DD Form 2624, 22 March 2006, reflects the applicant tested positive for THC 124 (marijuana), during an Inspection Random (IR) urinalysis testing, conducted on 10 March 2006.

CG Article 15, 22 March 2006, for failing to go at the prescribed time to their appointed place of duty on four occasions between 16 February and 2 March 2006. On or about 15 February 2006 violate a lawful general order. The punishment consisted of extra duty for 14 days.

Military Police Report, 24 July 2006, reflects the applicant was apprehended for: Wrongful use of marijuana (on post).

FG Article 15, 24 August 2006, for wrongfully using marijuana (between 10 February and 6 March 2006). The punishment consisted of a reduction to E-1; forfeiture of \$636 pay per month for two months and extra duty for 45 days.

Pembroke Police Department Incident Report, 30 October 2006, reflects the applicant was charged with failure to maintain; possession of a firearm during the commission of a crime; possession of marijuana less than one ounce.

Electronic Copy of DD Form 2624, 17 November 2006, reflects the applicant tested positive for THC 35 (marijuana), during a Probable Cause (PO) urinalysis testing, conducted on 7 November 2006.

Numerous Developmental Counseling Forms, for various acts of misconduct.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Department of Veterans Affairs letter, 18 September 2012, reflects a diagnosis of post-traumatic stress disorder (PTSD).

(2) AMHRR Listed: Mental Status Evaluation, 4 October 2006, reflects the applicant was diagnosed with Axis I: Substance use disorders.

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; self-authored letter; letter of support.

6. POST SERVICE ACCOMPLISHMENTS: The applicant sought treatment from the VA, for their mental health.

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) Paragraph 3-7c states Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(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 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 applicant contends suffering from PTSD and nightmares. The applicant provided a Department of Veterans Affairs letter, 18 September 2012, reflecting a diagnosis of post-traumatic stress disorder (PTSD). The AMHRR includes a Mental Status Evaluation, 4 October 2006, reflecting the applicant was diagnosed with Axis I: Substance use disorders.

The applicant contends before being placed on a plane and being sent to Iraq, after failing a drug test, the applicant received no medical attention. When the applicant returned from Iraq, they took drugs and were denied the chance to get treatment to cope with their issues. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. Army Regulation 600-85, paragraph 7-3 entitled voluntary (self) identification and referral, states voluntary (self) ID is the most desirable method of identifying substance use disorder. The individual whose performance, social conduct, interpersonal relations, or health becomes impaired because of these problems has the personal obligation to seek help. Soldiers seeking self-referral for problematic substance use may access services through BH services for a SUD evaluation. The Limited Use Policy exists to encourage Soldiers to proactively seek help. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends to cope with their issues, the applicant resorted to using drugs. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The evidence of record shows the command attempted to assist the applicant in performing and conducting to Army standards by providing counseling and the imposition of non-judicial punishment.

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

The applicant contends seeking treatment from the VA for their mental health. 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? The Board found that the applicant was diagnosed in service with an Adjustment Disorder and has been diagnosed by the VA with combat-related PTSD.

(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, avoidance, and difficulty with authority, the FTRs and disobeying lawful orders are mitigated. PTSD also has a nexus with self-medicating with substances, so the March 2006 positive UA for marijuana and the arrest for possession of marijuana are mitigated. However, the December 2004 positive UA for marijuana is not mitigated because it occurred prior to the applicant's exposure to combat which is the index trauma for the PTSD diagnosis. In addition, illegally possessing a loaded firearm is not mitigated by an Adjustment Disorder or PTSD since neither of these conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right. Illegally possessing a loaded firearm involves a series of deliberate actions that reflects intention and motivation.

(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 FTR, disobeying a lawful order, and the March 2006 illegal substance abuse offenses. The Board found that the applicant's earlier illegal substance abuse offense and illegal possession of a loaded firearm were not mitigated. Therefore, only a partial characterization upgrade is warranted.

b. Response to Contention(s):

(1) The applicant contends suffering from PTSD and nightmares. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's FTR, disobeying a lawful order, and the March 2006 illegal substance abuse offenses. The Board found that the applicant's earlier illegal substance abuse offense and illegal possession of a loaded firearm were not mitigated. Therefore, only a partial characterization upgrade is warranted.

(2) The applicant contends before being placed on a plane and being sent to Iraq, after failing a drug test, the applicant received no medical attention. When the applicant returned from Iraq, they took drugs and denied the chance to get treatment to cope with their issues. The Board considered this contention but found that it was addressed by the issue of medical mitigation.

(3) The applicant contends good service, including a combat tour. The Board considered the applicant's three years of service, including a combat tour in Iraq, but found that the applicant's record did not warrant further upgrade above what was decided based on medical mitigation.

(4) The applicant contends seeking treatment from the VA for their mental health. 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.

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's FTR, disobeying a lawful

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order, and the March 2006 illegal substance abuse offenses. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to General because the applicant's Post Traumatic Stress Disorder outweighed the applicant's FTR, disobeying a lawful order, and the March 2006 illegal substance abuse offenses. The Board found that the applicant's earlier illegal substance abuse offense and illegal possession of a loaded firearm were not mitigated. The applicant's General discharge is proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the reason the applicant was discharged was both proper and equitable.

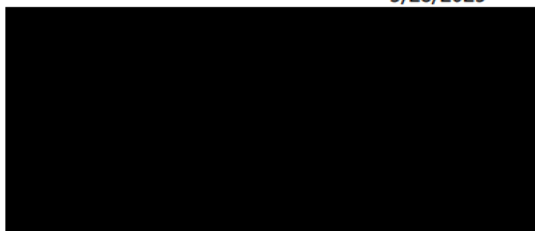
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** General
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

3/28/2025



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

