

**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 and a change to the narrative reason for separation.

The applicant seeks relief contending, in effect, the discharge should be changed for several reasons, but two in particular. First, the applicant believes it was unjust and could have been prevented on several occasions. The applicant was diagnosed with post-traumatic stress disorder (PTSD), and it was clear they were suffering from the condition when the applicant returned from overseas. The applicant's parent contacted the applicant's company several times requesting help, indicating something was wrong, which was evident to everyone else. The applicant believes their Army Substance Abuse Program instructor also informed the command. The command did not take it seriously until it was too late, and the applicant spent time in a mental hospital. The command received many warnings, and the applicant believes the issues could have been prevented if the command had heeded them. The applicant was an excellent Soldier and, to their knowledge, had nothing negative on their records before their deployment. The applicant was one of the top Soldiers in physical training and marksmanship and accepted leadership responsibilities.

Second, the applicant fulfilled their contract. The applicant reviewed the discharge and realized it was the same day as their original contract. The applicant is proud of their service in the military and would do it all again. Since the applicant's discharge, they have encouraged friends and associates to join the military. The applicant has always wanted to be a Soldier since childhood and would not intentionally jeopardize their military career. The applicant's discharge has not affected their life negatively. The applicant is trying to receive an honorable discharge because they believe they have earned it. The applicant is willing to supply any information to help the review of their discharge. The applicant accepts full responsibility for their actions, although at the time, it seemed like a dream the applicant could not stop. The applicant has attended school and is no longer drinking or using drugs, not even cigarettes. The applicant takes care of their mind body, and spirit. The applicant would like the opportunity to hold their head up high as a veteran, as they believe themselves to be.

**b. Board Type and Decision:** In a records review conducted on 6 March 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. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. 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 (Drug Abuse) / AR 635-200, Paragraph 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 1 February 2010

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 9 January 2010

**(2) Basis for Separation:** Under the provisions of AR 635-200, Chapter 14-12c, Commission of a Serious Offense, the applicant was informed of the following reasons: The applicant tested positive for cocaine on a drug test conducted on 27 July 2009.

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

**(4) Legal Consultation Date:** 9 January 2010

**(5) Administrative Separation Board:** NA / However, on 9 January 2010, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

**(6) Separation Decision Date / Characterization:** 12 January 2010 / General (Under Honorable Conditions) / The separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12c, Commission of a Serious Offense.

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 18 July 2007 / 3 years, 16 weeks

**b. Age at Enlistment / Education / GT Score:** 17 / GED / 88

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 11B10, Infantryman / 2 years, 6 months, 14 days

**d. Prior Service / Characterizations:** NA

**e. Overseas Service / Combat Service:** SWA / Iraq (14 June 2008 – 15 September 2009)

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

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Electronic Copy of DD Form 2624, 4 August 2009, reflects the applicant tested positive for COC>LOL (cocaine), during an Inspection Unit (IU) urinalysis testing, conducted on 27 July 2009.

DD Form 2624, undated, reflects a urinalysis test was conducted on 21 August 2009; however, the test information is blackened out.

Field Grade Article 15, 28 August 2009, for wrongfully using cocaine (between 25 and 27 July 2009). The punishment consisted of a reduction to E-1; forfeiture of \$699 pay per month for two months; and extra duty and restriction for 45 days.

Electronic Copy of DD Form 2624, 1 September 2009, reflects there was a urinalysis conducted on 26 August 2009; however, the test information is blackened out.

Report of Mental Status Evaluation, 9 December 2009, reflects the applicant was tested for traumatic brain injury (TBI), with negative results, and PTSD with unremarkable results. The applicant was cleared for separation.

Numerous Developmental Counseling Forms, for drinking while underage on multiple occasions; failing to obey order or regulation; testing positive for cocaine on a urinalysis conduction on 27 July, 3 September, and on 21 August 2009; failing to report for duty on multiple occasions; being absent without leave; missing various training events and pending special court-martial for destruction of government property.

The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had not completed the first full term of service.

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

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

**(1) Applicant provided:** Chronological Record of Medical Care, 2 October 2009, reflects the applicant was escorted to the hospital because of suicidal/homicidal statements. The applicant stated they did not want to hurt anyone in particular but just felt unstable after returning from Iraq. The applicant had a history of blackouts and fighting with others. The applicant's parent was worried the applicant was going to hurt someone. The medical provider marked personality disorder in the "Psychiatry" portion of a document contained in the record.

Department of Veterans Affairs (VA) letter, page 2, date unavailable, reflects the applicant was rated 70 percent disabled.

**(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:** Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; Chronological Record of Medical Care; VA letter; separation orders; and four third-party letters.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant encouraged others to join the military, pursued further education, and no longer drinks, uses drugs, or smokes cigarettes.

**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 14-2c, 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.

(7) 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.

(8) 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 applicant contends PTSD affected their behavior, which led to their discharge, and the VA diagnosed the applicant with PTSD. The applicant provided medical documents to support the contentions, including a Chronological Record of Medical Care reflecting the applicant was hospitalized for suicidal/homicidal ideations, and the medical provider marked personality disorder in the "Psychiatry" portion on one of the documents. A letter from the VA reflects the VA rated the applicant 70 percent disabled for PTSD. The applicant provided third-party letters, including from family members, describing the applicant's change in behavior after returning from combat and supported the applicant's contention. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 9 December 2009, which reflects the applicant tested for traumatic brain injury with negative results, and PTSD with unremarkable results. The applicant was cleared for separation. The MSE does not indicate any diagnosis. The separation authority considered the MSE.

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 the event which led 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 command did nothing to help the applicant until it was too late. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends fulfilling their enlistment contract. The applicant's AMHRR reflects the applicant enlisted on 18 May 2007 for 3 years, 16 weeks. The applicant entered active duty on 18 July 2007 and was discharged on 1 February 2010, serving 2 years, 6 months and 14 days. The applicant's DD Form 214 reflects the applicant had not completed the first full term of service.

The applicant desires to rejoin the military service. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment.

The applicant contends encouraging others to join the military; pursuing further education; and no longer drinking, using drugs, or smoking cigarettes. 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.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant is diagnosed and service connected by the VA for PTSD which establishes that the condition existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** Given the nexus between PTSD and self-medicating with substances, the positive drug test for cocaine that led to the separation 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 applicant's illegal substance abuse offense.

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

(1) The applicant contends PTSD affected behavior, which led to their discharge, and the VA diagnosed the applicant with PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse offense. 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 outweighing the applicant's illegal substance abuse offense.

(3) The applicant contends the event which led 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 the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense.

(4) The applicant contends the command did nothing to help the applicant until it was too late. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense.

(5) The applicant contends fulfilling their enlistment contract. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense.

(6) The applicant contends the narrative reason for the discharge needs to be changed. The Board considered this contention but determined the narrative reason should remain Misconduct (Drug Abuse). The applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(7) The applicant desires to rejoin the military service. The Board considered this contention and determined that a change to the applicant's RE code is not warranted based on the applicant's diagnosed behavioral health conditions.

(8) The applicant contends encouraging others to join the military; pursuing further education; and no longer drinking, using drugs, or smoking cigarettes. The Board considered the applicant's post-service accomplishments but determined that they do not warrant further upgrade to the discharge above that already decided based on medical mitigation.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. 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 Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse. Thus, the prior characterization is no longer appropriate.

(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.

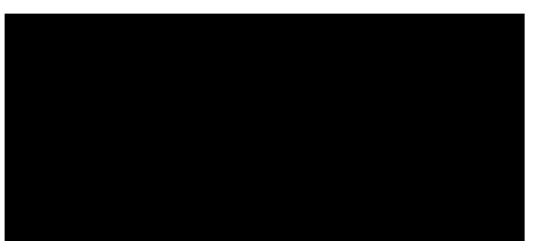
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.



**10. BOARD ACTION DIRECTED:**

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

**Authenticating Official:**



**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  
 UOTHHC – Under Other Than  
 Honorable Conditions  
 VA – Department of Veterans  
 Affairs