

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, developing an addiction to prescribed opiates for numerous physical injuries. The applicant's superiors made the decision to discharge the applicant so the Department of Veterans Affairs could provide the applicant with the necessary care. Before their discharge was finalized, a new commander who did not know the kind of Soldier the applicant was, changed their discharge from honorable to general (under honorable conditions). As a result, the applicant is not eligible for the GI Bill, which they paid for and earned while fighting for the country. As a result of their injuries, the applicant is no longer able to work in the field they had worked in the past. The applicant requires the GI Bill benefits to get the education needed for a career which will support them and their family. The applicant is a disabled veteran who has been homeless for a long time and suffering from PTSD, nightmares, panic attacks, and extreme pain from the injuries received while serving in combat.

b. Board Type and Decision: In a records review conducted on 18 February 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Depression and Post Traumatic Stress Disorder outweighed the applicant's Drug Rehabilitation Failure. 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: Drug Rehabilitation Failure / AR 635-200, Chapter 9 / JPC / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 20 May 2011**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 19 April 2011

(2) Basis for Separation: The applicant was informed of the following reasons: On 28 February 2011, the applicant was declared a Substance Abuse Rehabilitation Department failure by the rehabilitation team.

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

(4) Legal Consultation Date: 25 April 2011

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 4 May 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 10 June 2008 / 3 years, 17 weeks

b. Age at Enlistment / Education / GT Score: 24 / High School Graduate / 110

c. Highest Grade Achieved / MOS / Total Service: E-4 / 13B10, Cannon Crewmember / 2 years, 11 months, 11 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (15 July 2009 – 10 July 2010) / The applicant's Enlisted Records Brief reflects service in Afghanistan: 15 July 2009 – 10 July 2010.

f. Awards and Decorations: ACM-2CS, NDSM, GWOTSM, ASR, OSR, NATOMDL, CAB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Laboratory Confirmed Biochemical Test Results, undated, reflects the applicant tested positive for COC (cocaine) 685, during an Inspection Random (IR) urinalysis testing, conducted on 21 December 2010.

Summary of Army Substance Abuse Program Rehabilitation Failure memorandum, reflects the applicant's rehabilitation team met on 28 February 2011, and determined based on the evaluation results, the rehabilitation team initially determined the applicant had problems significant enough to have previously required inpatient treatment for substance dependence. The following efforts and resources had been made available to the applicant to assist them in rehabilitation: Admittance to detoxification facility at Providence Hospital (June 2009), admittance to inpatient treatment at Valley General Hospital (June 2009). Following their discharge from the hospital, the applicant was deployed. Soon, after they returned from deployment, the applicant was again referred to ASAP. The Rehabilitation Team had determined the applicant had not made satisfactory progress toward achieving the criteria for successful rehabilitation as outlined in AR 600-85, paragraph 4-8.

FG Article 15, 4 February 2011, for wrongfully using cocaine (between 21 November and 21 December 2010). The punishment consisted of a reduction to E-1; forfeiture of \$733 pay per month for two months and extra duty and restriction for 45 days.

Two Developmental Counseling Forms, for positive urinalysis and chapter separation.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Mental Status Evaluation, 16 February 2011, reflects no diagnosis.

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: None submitted with the application.

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

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

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

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

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment

may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

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

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a 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 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse. A member who has been referred to the Army Substance Abuse Program (ASAP) for alcohol or drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program if there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical.

(5) Paragraph 9-4, stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. An honorable discharge is mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

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 "JPC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, for drug rehabilitation failure.

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.

Summary of Army Substance Abuse Program Rehabilitation Failure Memorandum, reflecting the applicant's rehabilitation team met on 28 February 2011, and determined based on the evaluation results, the Rehabilitation Team (which included the company level commander, Substance Abuse Rehabilitation Department (SARD) counselor), initially determined the applicant had problems significant enough to have previously required inpatient treatment for substance dependence. The following efforts and resources had been made available to the applicant to assist them in rehabilitation: Admittance to detoxification facility at Providence Hospital (June 2009), admittance to inpatient treatment at Valley General Hospital (June 2009). Following their discharge from the hospital, the applicant was deployed. Soon, after redeployment, the applicant was again referred to ASAP. The Rehabilitation Team had determined the applicant had not made satisfactory progress toward achieving the criteria for successful rehabilitation as outlined in AR 600-85, paragraph 4-8.

The applicant contends suffering from PTSD, nightmares, panic attacks, as well as extreme pain from the injuries received while serving in combat. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The AMHRR includes a Mental Status Evaluation, 16 February 2011, reflecting no diagnosis. The separation authority considered the mental status evaluation.

The applicant contends an upgrade of the discharge would allow veterans benefits and educational benefits through the GI Bill. Eligibility for veteran's benefits to include 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.

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 good service, including a combat tour. The third-party statement provided with the application reflects the applicant was an outstanding Soldier; and could not recall one instance in which the applicant was counseled for causing unrest and always gave 100 percent effort performing their job with the utmost competency. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends current homelessness and the need for help. Eligibility for housing support program benefits for Veterans 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. Moreover, all veterans at risk for homelessness or attempting to exit homelessness can request immediate assistance by calling the National Call Center for Homeless Veterans hotline at 1-877-424-3838 for free and confidential assistance.

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, Depressive Disorder w/Anxiety, various Adjustment Disorders.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found the applicant is 70 percent SC for PTSD and has an in-service diagnosis of Depressive Disorder w/Anxiety.

(3) Does the condition or experience actually 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. While the applicant was diagnosed and treated for Opioid Dependence prior to deployment, records suggest the applicant maintained abstinence through deployment and many months after deployment. The applicant's relapse appears to have been secondary to depression secondary to the death of the applicant's grandmother. Given the nexus between Depression and the use of substances to self-medicate, the applicant misconduct (i.e., wrongful use of cocaine), that resulted being declared a rehabilitation treatment failure 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 Depression and Post Traumatic Stress Disorder outweighed the applicant's Drug Rehabilitation Failure.

b. Response to Contention(s):

(1) The applicant contends suffering from PTSD, nightmares, panic attacks, and extreme pain from the injuries received while serving in combat. The Board liberally considered this contention and determined that the applicant's Depression and Post Traumatic Stress Disorder outweighed the applicant's Drug Rehabilitation Failure.

(2) The applicant contends an upgrade of the discharge would allow veterans benefits and 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.

(3) 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.

(4) 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 Depression and Post Traumatic Stress Disorder outweighing the applicant's Drug Rehabilitation Failure.

(5) The applicant contends current homelessness and the need for help. 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 Depression and Post Traumatic Stress Disorder outweighing the applicant's Drug Rehabilitation Failure.

c. The Board determined the discharge is inequitable based on the applicant's Depression and Post Traumatic Stress Disorder outweighed the applicant's Drug Rehabilitation Failure. 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.

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 and Depression outweighed the applicant's Drug Rehabilitation Failure. 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

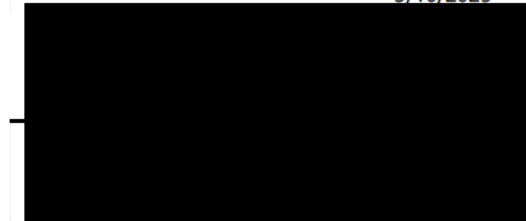
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10. BOARD ACTION DIRECTED:

- 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:

3/10/2025



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