

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]  
[REDACTED]  
[REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

**a. Applicant's Requests and Issues:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, suffering from severe PTSD and physical pain when discharged. They were not their self when they made the error in judgement to use methamphetamines. The applicant was on strong prescription narcotics when they made the decision to accept methamphetamine and was told it would help with their depression.

**b. Board Type and Decision:** In a records review conducted on 5 November 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the basis of separation offenses (use/possession of drugs, breaking restriction, disobeying orders). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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. The Board changed the reentry code to RE-3.

*Please see Section 9 of this document for more details regarding the Board's decision.  
Board member names available upon request.*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 12 January 2006**c. Separation Facts:**

**(1) Date and Charges Preferred (DD Form 458, Charge Sheet):** On 3 January 2006, the applicant was charged with:

Charge I: Violating Article 86, UCMJ. The Specification: On or about 14 December 2005, without authority, fail to go at the time prescribed to the appointed place of duty, to wit: 0630 accountability formation at or near Building 7618; 1300 work call at or near Building 7618; and 1400 doctor's appointment at Building 600.

Charge II: Violating Article 90, UCMJ:

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Specification 1: Having received a lawful command from CPT I. R. D, the superior commissioned officer, to not leave Fort Riley, or words to the effect, did, at or near Junction City, Kansas, on or about 13 December 2005, willfully disobey the same.

Specification 2: Having received a lawful command from CPT I. R. D, the superior commissioned officer, to sign in at the charge of quarter desk every three hours from 0800 to 2200 on weekends, or words to the effect, did, at or near Fort Riley, Kansas, on divers occasions on or about 31 December 2005 willfully disobey the same.

Charge III: Violating Article 112a, UCMJ:

Specification 1: On or about 15 December 2005, wrongfully possess an unknown quantity of methamphetamine.

Specification 2: Between on or about 11 and 14 December 2005, wrongfully use methamphetamine.

Specification 3: Between on or about 29 November and 1 December 2005, wrongfully use methamphetamine.

Charge IV: Violating Article 134, UCMJ. The Specification: Having been restricted to the limits of 3rd Brigade area, by a person authorized to do so, did at or near Fort Riley, Kansas, on or about 31 December 2005, break said restriction.

**(2) Legal Consultation Date:** 9 January 2006

**(3) Basis for Separation:** Pursuant to the applicant's request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

**(4) Recommended Characterization:** Under Other Than Honorable Conditions

**(5) Separation Decision Date / Characterization:** 10 January 2006 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 5 March 2003 / 3 years

**b. Age at Enlistment / Education / GT Score:** 30 / some college / 99

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 21B10, Combat Engineer / 2 years, 10 months, 7 days

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

**e. Overseas Service / Combat Service:** SWA / Iraq (8 July 2003 – 17 December 2003; 31 January 2005 – 21 June 2005)

**f. Awards and Decorations:** VUA, NDSM, GWOTSM, ASR, OSR-2, ICM

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Electronic Copy of DD Form 2624,

14 November 2005, reflects the applicant tested positive for AMP 8562 (amphetamine); DMET 94 percent (D-methamphetamine); MET 11655 (methamphetamine); OXCOD 1956 (oxycodone); OXMOR 1610 (oxymorphone), during an Inspection Random (IR) urinalysis testing, conducted on 11 October 2005.

Army Substance Abuse Program (ASAP) Enrollment form, 15 November 2005, reflects the applicant was command referred in the ASAP.

Two Personnel Action forms, reflect the applicant's duty status changed as follows:

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 30 November 2005; and,  
From AWOL to PDY, effective 30 November 2005.

FG Article 15, 14 December 2005, on or about 1 December 2005, without authority fail to go at the time prescribed to the appointed place of duty; on or about 29 November 2005, was derelict in the performance of duties by willfully failing to go to report to the urinalysis at building 7816 upon return from sick call, as it was their duty to do; on or about 20 November 2005, make to SFC F. T. N., an official statement, which statement was totally false, and was then known by the applicant to be so false; between on or about 9 October 2005 and on or about 11 October 2005, wrongfully use Amphetamines; between on 9 October 2005 and on or about 11 October 2005, wrongfully use D-Methamphetamines; and on or about 9 October 2005 and on or about 11 October 2005, wrongfully use Methamphetamines. The punishment consisted of a reduction to E-1; forfeiture of \$617 pay per month for two months; and extra duty and restriction for 45 days.

Electronic Copy of DD Form 2624, 15 December 2005, reflects the applicant tested positive for AMP>LOL (amphetamine); DMET (d-methamphetamine) 94 percent MET>LOL, during an Inspection Other (IO) urinalysis testing, conducted on 1 December 2005.

Agent's Investigation Report, 19 December 2005, trial counsel opined there was probable cause to believe the applicant committed the offense of Wrongful Use and Possession of a Controlled Substance (AMP, DMET, MET, OXCOD, and OXMOR). CPT O. further related there was no additional investigative assistance required.

Several Developmental Counseling Forms, for various acts of misconduct.

Charge sheet as described in previous paragraph 3c(1).

i. **Lost Time / Mode of Return:** 1 day (AWOL, 30 November 2005) / NIF

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

(1) **Applicant provided:** VVSD San Diego County Psychiatric Hospital letter, 4 September 2009, reflects the applicant was being referred for a psychiatric evaluation. The applicant had been a client of Veterans Village for the past three weeks and was experiencing severe symptomatology of depression and post-traumatic stress.

Department of Military and Veterans Affairs Division of Veterans Affairs letter, 8 January 2014, reflects the applicant was in severe need of treatment for PTSD. All the records indicate the applicant was suffering from PTSD while on active duty and VA will not assist the applicant without a discharge upgrade.

**(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:** Two Applications for the Review of Discharge; self-authored statement; Two VA Letters; VA Form 21-22; Certificate of Release or Discharge from Active Duty; four Physical Profiles; eight third-party letters; deployment to Iraq timeline 2005; Xray results; health records; Orders 012-0008.

**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 10 provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for a discharge for the good of the Service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt.

(5) Paragraph 10-8a stipulates a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. (See chap 3, sec II.)

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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

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 evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. The applicant, in consultation with legal counsel, voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The general (under honorable conditions) discharge received by the applicant was normal and appropriate under the regulatory guidance.

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

The applicant contends suffering from severe PTSD and physical pain when discharged. The applicant contends that the applicant was not the applicant's self when making an error in judgement to use methamphetamines. The applicant was on strong prescription narcotics when making the decision to use methamphetamines and was told that the methamphetamine would help with the applicant's depression. The applicant provided VVSD San Diego County Psychiatric Hospital letter, 4 September 2009, which reflects the applicant was being referred for a psychiatric evaluation. The applicant had been a client of Veterans Village for the past three weeks and was experiencing severe symptomatology of depression and post-traumatic stress. A Department of Military and Veterans Affairs Division of Veterans Affairs letter, 8 January 2014, reflects the applicant was in severe need of treatment for PTSD. All the records indicate the applicant was suffering from PTSD while on active duty and VA will not assist the applicant without a discharge upgrade. The AMHRR does not contain a Mental Status Evaluation.

The third-party statements provided with the application reflect the applicant's hard work and good conduct during the first deployment. The statements also reflect upon return from deployment, the applicant's demeanor changed. The applicant became withdrawn which was out of character for the applicant. The applicant was an outgoing and happy Soldier.

**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, the applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: chronic PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 70 percent service connected for PTSD.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor opine, that the applicant's PTSD mitigate the applicant's wrongful possession and use of methamphetamine given the nexus between PTSD and the use of substances to self-medicate. The applicant's offense of disobeying a lawful order on 13 December 2005 and FTR on 14 December 2005 coincide with the period 11 – 14 December 2005 which was estimated to be the time frame during which the applicant was abusing the methamphetamine that resulted in the positive UA. This indicates the misconduct may have been secondary to drug-seeking behavior. Applying liberal consideration, this misconduct is mitigated by the applicant's PTSD, along with breaking restriction.

(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 PTSD outweighed the applicant's separating offenses.

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

(1) The applicant contends suffering from severe PTSD and physical pain when discharged. They were not their self when they made the error in judgement and was on strong prescription narcotics when they made the decision to use methamphetamines. They were told the methamphetamine would help with Depression. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the separating offenses (drug use/possession, breaking restriction, and disobeying orders).

(2) The applicant contends good service, including two combat tours. The Board considered the applicant's two years of service, including a combat tour in Iraq, but did not address these factors in detail due to full medical mitigation.

**c.** The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the separating offenses. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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. The Board voted to change the reentry code to RE-3 (waivable reentry).

**d.** Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD outweighed the separating offenses. Thus, the prior characterization is no longer appropriate.

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(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions). The SPD code associated with the new reason for discharge is JKN.

(3) The RE code will change to RE-3 (waivable reentry). 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:**

2/26/2025



**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