

**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 change to the narrative reason for separation.

The applicant seeks relief contending, in effect, the chapter occurred on the day of their Expiration Term of Service (ETS). The applicant contends they continually asked their chain of command for documents in their case and for the chapter packet throughout the entire chapter process. The applicant was forced to sign a document they did not understand or how to appeal the chapter. The applicant took urinalysis tests bi-weekly and monthly and never tested positive again; the applicant has never been in serious trouble within the Army or outside. The applicant contends access to the drug test procedures was denied and they did not use the alleged drugs. The applicant never received a copy of their discharge packet or was thoroughly advised on how to contest, dispute, or appeal this process. The applicant believes their unit handled their case unfairly, and if the leadership had given them the go-ahead to finish the procedure, they could have ETS.

**b. Board Type and Decision:** In a records review conducted on 13 February 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Depression, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse. 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, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN, and the reentry code to RE-3.

*Please see Section 9 of this document 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, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 4 June 2012**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 20 March 2012

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant wrongfully used cocaine. This conduct is of a nature to bring discredit upon the United States.

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

**(4) Legal Consultation Date:** 10 May 2012

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

**(6) Separation Decision Date / Characterization:** 18 May 2012 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 5 June 2008 / 4 years

**b. Age at Enlistment / Education / GT Score:** 26 / some college / 133

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 68W10, Health Care Specialist / 4 years

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

**e. Overseas Service / Combat Service:** SWA / Afghanistan (15 September 2010 – 15 March 2011)

**f. Awards and Decorations:** ACM-CS, ARCOM, AAM, MUC, VUA, AGCM, NDSM, GWOTSM, ASR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Electronic Copy of DD Form 2624, 9 December 2011, reflects the applicant tested positive for COC (cocaine) 34907, during an Inspection Random (IR) urinalysis testing, conducted on 23 November 2011.

FG Article 15, 2 February 2012, for wrongfully using cocaine (between 16 November and 23 November 2011). The punishment consisted of a reduction to E-1; forfeiture of \$745 (suspended); and extra duty for 45 days.

Commander's Initiation Memorandum, 20 March 2012, reflects on line seven, the applicant may obtain copies of documents which will be sent to the separation authority supporting the proposed separation.

Memorandum for Commander, 10 May 2012, the applicant consulted with legal counsel and initialed item four indicating they understood if they receive a certificate/character of service which is less than honorable, they may apply to the Army Discharge Review Board or the Army Board for Correction of Military Records for upgrading; however, the applicant should realize an act of consideration by either board did not imply their discharge would be upgraded.

Two Developmental Counseling Forms, for failing a urinalysis and debt collection notice.

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

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

**(1) Applicant provided:** None

**(2) AMHRR Listed:** Report of Medical History and Examination, 28 February 2012, the examining medical physician noted the applicant's medical conditions in the comments section. Depression and anxiety.

Report of Mental Status Evaluation, 5 March 2012, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD with a positive result and mTBI with a negative result. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions. The evaluation included a diagnosis of Anxiety D/O NOS rule out PTSD/ Substance use D/O (denies). Stress tolerance and coping mechanisms were assessed. The applicant was alert and oriented to person, place, and time. Speech was clear. Mental Status Examination was completed and was within normal limits. Thought process was logical and goal oriented. Thought content was appropriate and future oriented. Medical records were reviewed, and the evaluation was explained to the applicant. Any available medical records were also reviewed. The applicant was screened for PTSD and mTBI in accordance with (IAW) OTSG/MEDCOM policy Memo 10-040, results were negative. The applicant was psychiatrically cleared for Chapter 14-12C consideration per their command. The applicant denied thoughts of hurting oneself or others. The applicant was in Alcohol Substance Abuse Program (ASAP) and denies cocaine use but needs on going evaluation. Given in-transition services for after administrative discharge. The applicant has a history of adjustment D/O with anxious mood.

*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; letter of support; orders 080-0631; Orders 145-0627.

**6. POST SERVICE ACCOMPLISHMENTS:** None were 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 3-5c, 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 14-3 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(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 the narrative reason for the discharge needs to be changed. The applicant was separated under the provisions of Chapter 14, paragraph 14-12c(2), AR 635-200

with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Drug Abuse)," and the separation code is "JKK." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant contends they continually asked their chain of command for documents in their case and for the chapter packet and how to appeal the chapter throughout the entire chapter process. The applicant was forced to sign a document they did not understand. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The AMHRR indicates the Commander's Initiation Memorandum, 20 March 2012, reflecting on line seven, the applicant may obtain copies of documents which would be sent to the separation authority supporting the proposed separation and they understood if they received a certificate/character of service which is less than honorable, they may apply to the Army Discharge Review Board or the Army Board for Correction of Military Records for upgrading; however, the applicant should realize an act of consideration by either board did not imply their discharge would be upgraded.

The applicant contends submitting urinalysis tests bi-weekly and monthly basis and never tested positive again; the applicant has never been in serious trouble within the Army or outside. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. 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 access to the drug test procedures was denied and they did not use the alleged drugs. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The AMHRR reflects an Electronic Copy of DD Form 2624, 9 December 2011, reflecting the applicant tested positive for cocaine, during an Inspection Random (IR) urinalysis testing, conducted on 23 November 2011. Also, an FG Article 15, 2 February 2012, for wrongfully using cocaine (between 16 November and 23 November 2011). The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends their case was handled unfairly by their unit. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends good service, including a combat tour. The third-party statement provided with the application reflects, the applicant was a high speed medic down range in Afghanistan. The applicant stood out among the crowd of medics as a very motivated natural leader. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

## **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, Depression, Anxiety Disorder NOS, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with an Adjustment Disorder, Depression and Anxiety Disorder NOS and is service connected by the VA for PTSD. Service connection establishes that the PTSD also existed during military service.

(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. Given the nexus between Depression, Anxiety Disorder NOS, PTSD and self-medicating with substances, the wrongful use of 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 Depression, Anxiety Disorder, Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse.

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

(1) The applicant contends the narrative reason for the discharge needs to be changed. 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, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse.

(2) The applicant contends they continually asked their chain of command for documents in their case, the chapter packet and how to appeal the chapter throughout the entire chapter process. The applicant was forced to sign a document they did not understand. 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, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse.

(3) The applicant contends submitting urinalysis tests bi-weekly and monthly basis and never tested positive again; the applicant has never been in serious trouble within the Army or outside. 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, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse.

(4) The applicant contends access to the drug test procedures was denied and they did not use the alleged drugs. 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, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse.

(5) The applicant contends their case was handled unfairly by their unit. 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, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse.

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(6) 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, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse.

c. The Board determined the discharge is inequitable based on the applicant's Depression, Anxiety Disorder, Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse. 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, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN, and the reentry code to RE-3.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Depression, Anxiety Disorder, Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

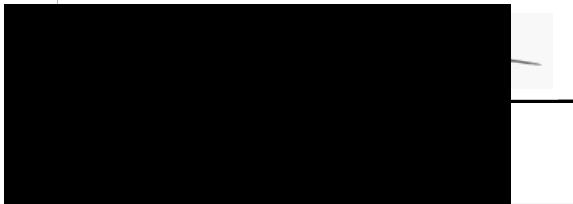
(3) The RE code will change to RE-3.

**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:**

2/28/2025



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



