

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, the reason for the drug use was for self-medication for PTSD. The applicant has been properly diagnosed, treated, and prescribed medication for anxiety. The applicant has turned their life around and has attended Bible School; started a youth group in Dallas; and is now working as a youth pastor of a church in Colorado Springs. The applicant is also attending college to obtain a master's degree in sociology to become a counselor for at risk youth.

b. Board Type and Decision: In a records review conducted on 23 January 2025, and by a 4-1 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Traumatic Brain Injury, and Anxiety 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 Board Discussion and Determination 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: 17 October 2006

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 27 September 2006

(2) Basis for Separation: The applicant was informed of the following reasons: On 7 June 2006, the applicant received a Field Grade Article 15 for wrongfully using Methylene-dioxy-amphetamine (MDA), Article 112a, UCMJ.

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

(4) Legal Consultation Date: On 27 September 2006, the applicant waived legal counsel.

(5) Administrative Separation Board: On 27 September 2006, the applicant unconditionally waived consideration of the case before an administrative separation board.

(6) Separation Decision Date / Characterization: 28 September 2006 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 14 March 2006 / NIF / The DD Form 4 for this period is not contained in the AMHRR.

b. Age at Enlistment / Education / GT Score: 22 / High School Graduate / 101

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92G10, Food Service Operations / 6 years, 8 months, 11 days

d. Prior Service / Characterizations: USAR, 13 October 2000 – 28 October 2003 / HD
IADT, 20 June 2001 – 20 November 2001 / UNC
(Concurrent Service)
RA, 29 October 2003 – 13 March 2006 / HD
The applicant's DD Form 214, Block 12e, total prior inactive service, appears incorrect and should read 2 years, 7 months, 14 days.

e. Overseas Service / Combat Service: Germany / SWA / Iraq (9 January 2004 – 24 December 2004)

f. Awards and Decorations: AAM-2; NDSM; GWOTEM; GWOTSM; ASR, OSR-2

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Army Substance Abuse Program (ASAP) Enrollment Form, 8 December 2005, reflects the applicant self-referred in the ASAP.

Electronic Copy of DD Form 2624, 31 March 2006, reflects the applicant tested positive for MDA 2648 and MDMA 23459, during an Inspection Random (IR) urinalysis testing, conducted on 13 February 2006.

CID Report of Investigation – Initial Final-0049-2006-CID987-52697-5L3C/5L3D1, 25 April 2006, investigation established probable cause to believe the applicant committed the offenses of Wrongful Use and Possession of a Controlled Substance when the applicant submitted a urine specimen which tested positive for MDA and MDMA.

FG Article 15, 7 June 2006, for wrongfully using Methylene-dioxy-amphetamine (MDA) (between 10 and 13 February 2006); the continuation sheet is not available in the AMHRR. The punishment consisted of a reduction to E-2; forfeiture of \$713 pay per month for two months (suspended); and extra duty and restriction for 45 days.

Two Developmental Counseling Forms, for Unit Drug Testing conducted on 13 February 2006; Positive Results for MDMA, Ecstasy and Bar to Reenlistment being approved by the Battalion Commander.

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

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

(1) Applicant provided: Department of Veterans Affairs Informed Consent Form, 25 August 2014, reflects the applicant was asked to be in a research study for Spirituality and Mild TBI.

Department of Veterans Affairs Eastern Colorado Healthcare System letter, 8 September 2014, reflects the applicant was a patient under care at the facility. The letter reflects the applicant's condition.

Department of Veterans Affairs Eastern Colorado Healthcare System letter, 26 August 2021, reflects the applicant was a patient under care at the facility. The letter reflects the applicant's condition.

(2) AMHRR Listed: Report of Medical History, 2 June 2006, the examining medical physician noted the applicant's medical conditions in the comments section.

Report of Mental Status Evaluation, 15 June 2006, 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 evaluation does not contain a diagnosis.

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: Application for the Review of Discharge and listed enclosures.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has attended Bible School; started a youth group in Dallas; and is working as a youth pastor of a church in Colorado Springs. The applicant is also attending college to obtain a master's degree in sociology to become a counselor for at risk youth.

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 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.

(5) 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.

(6) 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 reason for the drug use was for self-medication for PTSD. The applicant has been properly diagnosed, treated, and prescribed medication for anxiety by the VA. The applicant provided Department of Veterans Affairs Informed Consent Form,

25 August 2014, which reflects the applicant was asked to be in a research study for Spirituality and Mild TBI. Two Department of Veterans Affairs Eastern Colorado Healthcare System letters, 8 September 2014 and 26 August 2021, reflect the applicant was a patient under care at the facility and reflect the applicant's condition. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 15 June 2006, which indicates the applicant was mentally responsible and recognized right from wrong. The MSE does not indicate any diagnosis. The MSE was considered by the separation authority.

The applicant has attended Bible School; started a youth group in Dallas; and is working as a youth pastor of a church in Colorado Springs. The applicant is also attending college to obtain a master's degree in sociology to become a counselor for at risk youth. The third-party statements provided with the application reflect the applicant's hard work and good character since being discharged from the Army. 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: Anxiety Disorder NOS, Postconcussion Syndrome/TBI, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Anxiety Disorder NOS and Postconcussion Syndrome and is service connected by the VA for PTSD. Service connection by the VA establishes that the PTSD also existed in service, and the VA verifies the applicant's in-service history of TBI.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of mitigating BH conditions. The applicant was diagnosed in service with an Anxiety Disorder NOS and Postconcussion Syndrome and is service connected by the VA for PTSD. The VA also verifies the applicant's history of TBI. Given the nexus between PTSD, TBI, Anxiety Disorder NOS, and self-medicating with substances, the wrongful use of ecstasy (i.e., Methylene-dioxy-amphetamine) that led to the applicant's discharge 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, Traumatic Brain Injury, and Anxiety Disorder outweighed the applicant's illegal substance abuse.

b. Response to Contention(s):

(1) The applicant contends the reason for the drug use was for self-medication for PTSD. The applicant has been properly diagnosed, treated, and prescribed medication for

anxiety by the VA. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Traumatic Brain Injury, and Anxiety Disorder outweighed the applicant's illegal substance abuse. Therefore, a discharge upgrade is warranted.

(2) The applicant has attended Bible School; started a youth group in Dallas; and is working as a youth pastor of a church in Colorado Springs. The applicant is also attending college to obtain a master's degree in sociology to become a counselor for at risk youth. 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, Traumatic Brain Injury, and Anxiety Disorder outweighing the applicant's illegal substance abuse.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Traumatic Brain Injury, and Anxiety 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 Post Traumatic Stress Disorder, Traumatic Brain Injury, and Anxiety 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:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000874



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