

1. Applicant's Name:

- 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 period under review is honorable. The applicant requests a narrative reason change.

The applicant seeks relief contending, in effect, serving honorably from 2003 to 2010. In 2007, the applicant sought mental health care because of noticeable behavioral changes, especially anger, which was later related to the applicant's military occupational specialty (MOS) as an emergency room medic at Brooke Army Hospital, San Antonio, Texas. The applicant was diagnosed with post-traumatic stress disorder (PTSD) and generalized anxiety disorder (GAD) after the applicant's deployment to Afghanistan from 2010 to 2011. The applicant was improperly cared for, so the applicant self-referred to mental health and requested a medical evaluation board (MEB). The applicant had two incidents of misconduct in 2011, physically assaulting on a junior enlisted and receiving a Field Grade Article 15 while in theater. The applicant self-referred while in theater and started counseling. The applicant requested an MEB in January 2012. In May 2012, the applicant failed a urinalysis and received Field Grade Article 15. The orders for the MEB were revoked because the applicant was pending a separation board. The applicant believes if the applicant had been diagnosed earlier and was provided the proper mental health care and medications, the applicant would not have self-medicated, and the two incidents of misconduct would not have occurred. The applicant would have been medically boarded out of the military. The applicant informed the mental health physicians on numerous occasions, their medications were not working, only to have the dosages increased to their maximum. The applicant is a combat veteran of Operation Enduring Freedom (OEF) / Operation Iraqi Freedom (OIF), with seven years of honorable service, five years as a noncommissioned officer (NCO) with exemplary performance and evaluations. The applicant requests the honorable service be taken into consideration. The applicant further details the contentions in a self-authored statement provided with the application.

b. **Board Type and Decision:** In a records review conducted on 10 September 2024, and by a 3-2 vote, the Board denied the request upon finding the separation was both proper and equitable.

Please see Board Discussion and Determination 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:** Misconduct (Drug Abuse) / AR 635-200, Paragraph 14-12c (2) / JKK / RE-4 / Honorable

b. **Date of Discharge:** 3 November 2012

c. **Separation Facts:**

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

(2) Basis for Separation: The applicant was informed of the following reasons: On 2 July 2012, the applicant received a Field Grade Article 15 for wrongfully possessing heroin and drug paraphernalia on or about 16 May 2012.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 2 August 2012

(5) Administrative Separation Board: On 2 August 2012, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

On 22 August 2012, the applicant was notified to appear before an administrative separation board and advised of rights.

On 1 October 2012, the administrative separation board convened, and the applicant appeared with counsel. The board recommended the applicant's discharge with characterization of service of under other than honorable conditions.

(6) Separation Decision Date / Characterization: 16 October 2012 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 26 May 2010 / 4 years

b. Age at Enlistment / Education / GT Score: 24 / HS Graduate / 114

c. Highest Grade Achieved / MOS / Total Service: E-6 / 68W30, Health Care Specialist / 9 years, 27 days

d. Prior Service / Characterizations: RA, 7 October 2003 – 18 October 2006 / HD
RA, 19 October 2006 – 12 May 2009 / HD
RA, 13 May 2009 – 25 May 2010 / HD

e. Overseas Service / Combat Service: Germany, Korea, SWA / Afghanistan
(6 December 2010 – 5 October 2011)

f. Awards and Decorations: ARCOM-2, AAM-2, NATOMDL, ASUA, AGCM-2, NDSM, ACM-2CS, GWOTSM, KDSM, NCOPDR, ASR, OSR-3

g. Performance Ratings: 1 September 2009 – 31 August 2010 / Among the Best
1 September 2010 – 10 July 2011 / Marginal
11 July 2011 – 20 January 2012 / Fully Capable

h. Disciplinary Action(s) / Evidentiary Record: Report of Mental Status Evaluation, 13 June 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. The applicant was being considered for a medical board. The conditions were either not present or did not meet AR 40-

501 criteria for a medical evaluation board. The applicant screened negative for mild traumatic brain injury (mTBI) and did not warrant further assessment.

Electronic Copy of DD Form 2624, 25 June 2012, reflects the applicant tested positive for 6AM > LOL (heroin), COD 2435 (codeine), and MOR > LOL (morphine), during a Command Directed (CO) urinalysis testing, conducted on 16 May 2012.

Field Grade Article 15, 2 July 2012, for wrongfully possessing an unknown quantity of heroin (16 May 2012). The form is void of the punishment; however, the punishment worksheet reflects the punishment consisted of a reduction to E-1; forfeiture of one-half months' pay per month for two months (suspended); extra duty for 40 days; and an oral reprimand.

Commander's Report, 2 August 2012, reflects the applicant received a Field Grade Article 15, 2 August 2011, for unlawfully striking a Soldier in the face with a closed fist. The punishment consisted of a reduction to E-5 and forfeiture of \$600 pay per month for two months.

Chain of Command Recommendations, 2 August 2012, reflects the applicant was assigned to the company as a rehabilitative transfer, while deployed. The applicant was reduced to Sergeant. The applicant was self-referred for cocaine while assigned to Fort Hood a few years ago. The applicant had a seizure and was redeployed. The applicant was hanging out with lower enlisted Soldiers and relapsed, but with heroin. One of the Soldiers, Private E-2 (PV2) P., committed suicide and another, PV2 C., attempted suicide.

CID Report of Investigation - Final, 23 August 2012, reflects an investigation established probable cause to believe the applicant committed the offenses of Wrongful Possession and Distribution of Heroin and Methadone; Wrongful Use of Heroin, Morphine, and Codeine; and Failure to Obey a General Order. The applicant sold Heroin and Methadone to Specialist (SPC) M. which led to a subsequent search of the applicant's barracks room, revealing the applicant was in possession of approximately 2.644 grams of Heroin and various pieces of drug paraphernalia. A subsequent command directed urinalysis on 16 May 2012, revealed the applicant submitted a urine sample which tested positive for the presence of Heroin, Morphine, and Codeine. The applicant was advised of the legal rights, which the applicant invoked requesting legal counsel.

Four Developmental Counseling Forms, for possible possession of a controlled substance; favorable personnel actions being suspended; pending UCMJ action for possession of heroin and drug paraphernalia.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Physical Profile (permanent), 1 March 2012, reflecting the applicant had anxiety and PTSD, which limited the applicant's duties, and the profiling officer determined the applicant required an MEB. The profile was approved by a medical doctor who was the approving authority.

(2) AMHRR Listed: Physical Profile as described in previous paragraph 4j(1).

Chronological Record of Medical Care, 11 June 2012, reflects the applicant chronic problems listed: Bereavement without complications; grief reaction; consultation with an addictions counselor; generalized anxiety disorder (GAD); PTSD; depression with anxiety; mild recurrent

major depression; anxiety disorder NOS; opioid dependence; opioid abuse; adjustment disorder with anxiety and depressed mood; and epilepsy and recurrent seizures; and concussion.

Report of Medical History, 17 July 2012, the examining medical physician noted in the comments section; Anxiety / PTSD, being treated; P3 profile, undergoing MEB before chapter started; on hold because of chapter. The applicant was not qualified for separation in accordance with AR 40-501. The physician recommended continuing the MEB / physical evaluation board (PEB) processing. The applicant was treated in San Antonio, 28-day inpatient for two months.

Report of Medical Examination, 17 July 2012, the examining medical physician noted in the significant or disqualifying defects and recommendations sections: Anxiety and PTSD; not qualified because of this condition, recommended continuing with the MEB / PEB.

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record; Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; self-authored statement; five Noncommissioned Officer Evaluation Reports; military awards; two Certificates of Promotion; three Oaths of Reenlistment; three Honorable Discharge certificate; Emergency Medical Technician certificate; U.S. Army Medical Department Regiment Affiliation certificate; Health Care Specialist Diploma; Department of Substance Abuse Services completion certificate; two Basic / National Disaster Life Support Instructor Certificates of Training; Basic National Disaster Life Support Certificate of Training; ADRB Case Number AR20140012621; Physical Profile; VA Veteran's Supplemental Claim for Compensation; four VA Statements in Support of Claim for Service Connection for PTSD; and two photographs.

6. POST SERVICE ACCOMPLISHMENTS: The applicant completed a substance abuse rehabilitation program through the VA in 2014, is sober, and is employed at a local cable company.

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 600-85, (The Army Substance Abuse Program), paragraph 10-12a defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy including results of command-directed drug or alcohol testing that are inadmissible under the MRE and A Soldier's self-referral to BH for SUD treatment.

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

(1) Paragraph 1-33, entitled disposition through medical channels, in effect at the time, states when the medical treatment facility (MTF) commander or attending medical officer determines a Soldier being processed for administrative separation under chapter 14, does not meet the medical fitness standards for retention, he or she will refer the Soldier to an MEB in accordance with AR 40-400. The administrative separation proceedings will continue, but final action by the separation authority will not be taken pending the results of MEB. If the MEB findings indicate referral of the case to a PEB is warranted for disability processing under the provisions of AR 635-40, the GCMCA may direct, in writing, the Soldier be processed through the physical disability system when action under the UCMJ has not been initiated, and one of the following has been determined: (a) The Soldier's medical condition is the direct or substantial contributing cause of the conduct that led to the recommendation for administrative elimination. (b) Other circumstances of the individual case warrant disability processing instead of further processing for administrative separation. Disability processing is inappropriate if the conditions if (a) or (b) do not apply, if UCMJ action has been initiated, or if the Soldier has been medically diagnosed as drug dependent.

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

(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 3-8a states a Soldier is entitled to an honorable characterization of service if limited-use evidence (see AR 600-85) is initially introduced by the Government in the discharge proceedings, and the discharge is based upon those proceedings. The separation authority will consult with the servicing Judge Advocate in cases involving limited use evidence.

(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.

f. 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).

g. 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 a narrative reason change.

The applicant's separation packet includes Chain of Command Recommendations, reflecting the company command team disclosed the applicant was a self-referral for cocaine and an electronic DD Forms 2624 (Specimen Custody Document for Drug Testing), which show the urinalysis tests coded "CO," which indicates "Command Directed Testing." The government introduced these documents into the discharge process. The self-referral information and Command Directed Testing are limited use information as defined in AR 600-85. Use of this information mandates award of an honorable discharge, which a previous ADRB determined warranted an upgrade to honorable.

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 an honorable 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 being diagnosed with PTSD and GAD, and the conditions affected behavior, which led to the discharge. The applicant provided a Physical Profile (permanent), 1 March 2012, reflecting the applicant had anxiety and PTSD, and the profiling officer determined the applicant required an MEB. The applicant's AMHRR contains documentation which supports in-service diagnoses of anxiety and PTSD, and the applicant's chronic problems were listed as bereavement without complications; GAD; PTSD; depression with anxiety; mild recurrent major depression; anxiety disorder, NOS; opioid dependence; opioid abuse; adjustment disorder with anxiety and depressed mood; epilepsy and recurrent seizures; and concussion. The record shows the applicant underwent a mental status evaluation (MSE) on 13 June 2012, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The documents in the applicant's AMHRR were considered by the separation authority.

The applicant contends if the applicant would have received the proper treatment, the applicant would have been medically discharged. 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 applicant contends a medical evaluation board was under process at the time of the separation proceedings. The applicant's AMHRR reflects the applicant's MEB was discontinued because of pending separation proceedings. AR 635-200, Paragraph 1-33, in effect at the time, states when the MTF commander or attending medical officer determines a Soldier being processed for administrative separation under chapter 14, does not meet the medical fitness standards for retention, he or she will refer the Soldier to an MEB in accordance with AR 40-400. The administrative separation proceedings will continue, but final action by the separation authority will not be taken pending the results of MEB.

The applicant contends completing a substance abuse rehabilitation program through the VA in 2014; being sober and being employed at a local cable company. 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 determined that, based on the Board Medical Advisor opine resulting from a review of the applicant's DOD and VA health records, the applicant's statement, and/or civilian provider documentation, that the applicant has the following potentially mitigating diagnoses that may warrant a change to the applicant's narrative reason, SPD code, and RE code given the applicant's characterization of service was previously upgraded to honorable: Major Depressive Disorder (MDD), Adjustment Disorder with Depressed Mood, Anxiety Disorder NOS, combat related PTSD, Generalized Anxiety Disorder (GAD), and MST.

(2) Did the condition exist, or experience occur during military service? The Board determined that, for the purpose of liberal consideration and based on the Board Medical Advisor opine, the applicant's MDD, Adjustment Disorder with Depressed Mood, Anxiety Disorder NOS, PTSD and GAD, and MST existed during the applicant's service.

(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 behavioral health conditions mitigate the applicant's wrongfully possessing heroin and drug paraphernalia offense given the nexus between trauma and substance use.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the available evidence did not support a conclusion that the applicant's MDD, Adjustment Disorder with Depressed Mood, Anxiety Disorder NOS, PTSD, and/or GAD outweighed the applicant's discharge due to the applicant already holding an Honorable characterization of service. Additionally, the Board found the NR/SPD/RE proper and equitable given the extensive drug use and professed drug distribution in the barracks.

b. Response to Contention(s):

(1) The applicant contends being diagnosed with PTSD and GAD, and the conditions affected behavior, which led to the discharge. The Board liberally considered this contention and determined that the applicant's PTSD did not outweigh the applicant's discharge due to the applicant already holding an Honorable characterization of service.

(2) The applicant contends the narrative reason for the discharge needs to be changed. The Board considered this contention but determined that the Misconduct (Drug Abuse) narrative reason for separation was proper and equitable given the applicant's admission of distributing drugs within the barracks.

(3) The applicant contends if the applicant would have received the proper treatment, the applicant would have been medically discharged. The Board considered this contention and found insufficient evidence that the applicant was not provided access to behavioral health resources.

(4) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings and determined that the totality of the service record does not outweigh the extreme severity of drug distribution to follow Soldiers.

(5) The applicant contends a medical evaluation board was under process at the time of the separation proceedings. When a Soldier is being processed through the Physical Evaluation Board and is subsequently processed for an involuntary administrative separation or referred to a court-martial for misconduct, the disability evaluation is suspended. The Physical Evaluation Board case remains in suspense pending the outcome of the non-disability proceedings. If the action includes either a punitive or administrative discharge for misconduct, the medical process is stopped, and the board report is filed in the member's medical record. In this case, the Board found that the applicant's administrative separation for misconduct was proper and equitable in that it is more likely than not that the Separating Authority (SA) would have separated the applicant for the stated reasons (drugs) whether an MEB/PEB finds were or were not considered. If an MEB/PEB was continued, the findings should have been considered by the SA. Any legal error that could have occurred in this not occurring was found to more likely than not to influence the SA's decision.

(6) The applicant contends completing a substance abuse rehabilitation program through the VA in 2014; being sober and being employed at a local cable company. The Board noted the applicant's post-service and treatment accomplishments and determined that the NR/SPD are proper and equitable given the drug offenses at the time.

c. The Board determined that the discharge is, at this time, proper and equitable, considering the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before a Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service because the applicant already holds an honorable characterization and further relief is not available.

(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

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equitable. Specifically, the admission of drug distribution to fellow Soldiers in the barracks was found especially egregious and not reflective of a different narrative reason. The collateral consequences of drug distribution (violation of trust, endangerment of lives, impacts on mission, etc.) do not warrant a change.

(3) The Board that an RE code change is not warranted based on the applicant's behavioral health conditions. The current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

11/1/2024

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

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