

**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, being discharged months before the applicant's expiration term of service (ETS). The applicant failed a urinalysis and was deterred from seeking rehabilitation or programs by the unit because of concerns over impacting the applicant's military career. The applicant paid for the GI Bill during their active duty service. The applicant served three years and four months and was eight months short of their ETS. The applicant served over 180 days as a Private and completed 100 hours of correspondence courses. The applicant's goal is to attend school and continue to support their family and the country.

**b. Board Type and Decision:** In a records review conducted on 12 December 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Major Depressive Disorder (MDD), PTSD, and MST mitigating the possession and use of cocaine basis for separation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to honorable and changed the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service.

*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, Paragraph 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 8 August 2011**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 12 July 2011

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant received a Field Grade Article 15 on 16 May 2009, for wrongful use of cocaine and was arrested for possession of cocaine on 27 October 2010.

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

**(4) Legal Consultation Date:** On 15 July 2011, the applicant waived legal counsel.

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

**(6) Separation Decision Date / Characterization:** Undated / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 25 April 2008 / 4 years

**b. Age at Enlistment / Education / GT Score:** 19 / GED / 108

**c. Highest Grade Achieved / MOS / Total Service:** E-3 / 25Q10, Multichannel Transmission Systems Operator-Maintainer / 3 years, 5 months, 12 days / The applicant's DD Form 214, reflects 1 month, 29 days of total prior inactive service, which is the period the applicant was in the Delayed Entry Program.

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

**e. Overseas Service / Combat Service:** SWA / Afghanistan (27 April 2009 – 30 April 2010)

**f. Awards and Decorations:** ACM-CS, NATO-ASM, NDSM, GWOTSM, OSR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Electronic Copy of DD Form 2624, 23 April 2009, reflects the applicant tested positive for COC 1666 (cocaine), during an Inspection Unit (IU) urinalysis testing, conducted on 16 April 2009.

Field Grade Article 15, 16 May 2009, for wrongfully using cocaine (16 April 2009). The punishment consisted of a reduction to E-1; forfeiture of \$699 pay per month for two months; and extra duty and restriction for 45 days.

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

From Present for Duty (PDY) to Confined, effective 27 October 2010; and  
From Confined to PDY, effective 27 October 2010.

Military Police Report, 8 November 2010, reflects the applicant was apprehended for: wrongful possession of cocaine and wrongful possession of a prohibited substance (on post). Investigation revealed on 27 October 2010, a command authorized search was issued and a substance suspected to be spice, a clear bag containing a white powdery substance suspected to be cocaine, and a burned hand rolled cigarette in the applicant's desk drawer. The suspected spice tested negative for marijuana and the white powdery substance tested positive for cocaine.

The applicant's Enlisted Record Brief (ERB), 26 July 2011, reflects the applicant's ETS date as 24 April 2012. The applicant was reduced from E-3 to E-1 effective 16 May 2009.

Commander's Report, undated, reflects the applicant had no medical or other data meriting consideration in the overall evaluation to separate the applicant in determination as to the appropriate characterization of service.

Two Developmental Counseling Forms, for accessory after the fact; possessing Spice; and testing positive of cocaine and possible consequences.

i. **Lost Time / Mode of Return:** 1 day (Confined, 27 October 2010) / NIF

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

(1) **Applicant provided:** Report of Mental Status Evaluation, 31 March 2011, reflects the applicant was pending Chapter 14 proceedings. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant received an Article 15 for a positive urinalysis for cocaine, but received no referral for evaluation and/or treatment through the commander. Since returning from Operation Enduring Freedom, the applicant received multiple negative counseling statements for positive urinalysis for other substances. The applicant was deterred from self-enrolling in treatment by the unit because of concerns of impacting the military career. The applicant was diagnosed with polysubstance abuse, rule out post-traumatic stress disorder (PTSD) or anxiety disorder. The applicant was screened for PTSD and found to endorse a significant number of related symptoms. The applicant was not cleared for Chapter 14 and the provider recommended postponing the proceedings to allow the applicant to participate in a trial of psychological and psychiatric treatment and assessment of a need for medical disposition.

(2) **AMHRR Listed:** MSE, 31 March 2011, as described in previous paragraph 4j(1).

Report of Mental Status Evaluation, 28 June 2011, reflects the applicant tested positive for THC and cocaine on unit urinalyses. The applicant reported receiving six or seven Article 15s for various reasons. On 31 March 2011, the applicant was evaluated for administrative separation but was not cleared until the applicant received a more thorough evaluation because of reports of multiple PTSD symptoms. The applicant was scheduled for an evaluation as a walk-in on this date, and if not found to have a medically boarded PTSD diagnosis, the applicant would be cleared for administrative separation. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and was mentally responsible. The applicant was diagnosed with cannabis abuse, cocaine abuse, and alcohol abuse (self-report).

Memorandum, subject: Follow up to Chapter 14 Mental Status Evaluation (MSE) regarding: [Applicant], 28 June 2011, reflects the applicant was evaluated after the Chapter 14 MSE. The provider who conducted the MSE, expressed concerns about the applicant's assessment and treatment of a possible diagnosis of PTSD. The clinical psychologist recommended the applicant undergo a 90-day course of treatment. After that time a determination could be made as to whether the applicant was psychiatrically cleared for Chapter 14. The psychologist scheduled the applicant for an appointment for 31 July 2011.

*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; and Report of Mental Status Evaluation.

**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 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.

**(7)** Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

**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 being deterred from seeking rehabilitation by members of the unit. The applicant provided a Report of Mental status Evaluation (MSE), 31 March 2011, reflecting the applicant was diagnosed with polysubstance abuse, rule out PTSD or anxiety disorder. The report indicated the applicant was deterred from self-enrolling in treatment by the unit. The applicant was determined to be mentally responsible but was not cleared for administrative separation because the applicant showed symptoms related to PTSD. The applicant's AMHRR contains the MSE, 31 March 2011, and reflects the applicant underwent a follow-up MSE on 28 June 2011, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The applicant was not medically cleared for separation under Chapter 14. The applicant was diagnosed with cannabis abuse, cocaine abuse, and alcohol abuse (self-report). Based on the mental status evaluations, a psychologist recommended a 90-day course of treatment, after which time, a determination could be made as to whether or not the applicant was psychiatrically cleared for Chapter 14 proceedings. The applicant was scheduled to be seen on 26 July 2011. The record is void of any further evaluations or treatment after 28 June 2011. The documents in the applicant's AMHRR were considered by the separation authority.

The applicant contends being discharged eight months before the applicant's ETS. The applicant's AMHRR reflects their ETS date as 24 April 2012. 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 Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends an upgrade would allow educational benefits through the GI Bill. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

**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's Medical Advisor, a voting member, 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: MDD, PTSD, and MST.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant is service connected by the VA for MDD. Service connection establishes that the MDD existed during service. The VA has also diagnosed the applicant with PTSD associated with combat and MST.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of multiple mitigating BH conditions. The applicant is service connected by the VA for MDD, and the VA has diagnosed the applicant with PTSD associated with combat and MST. Given the nexus between MDD, PTSD, MST, and self-medicating with substances, the possession and use of cocaine that led to the applicant's separation are 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 MDD, PTSD, and MST outweighed the possession and use of cocaine basis for separation.

b. Response to Contention(s):

(1) The applicant contends being deterred from seeking rehabilitation by members of the unit. The Board considered this contention during proceedings, but ultimately did not address the contention in detail due to an upgrade being granted based on the applicant's MDD, PTSD, and MST fully outweighing the possession and use of cocaine basis for separation.

(2) The applicant contends being discharged eight months before the applicant's ETS. The Board considered this contention during proceedings, but ultimately did not address the contention in detail due to an upgrade being granted based on the MDD, PTSD, and MST fully outweighing the applicant's possession and use of cocaine basis for separation.

(3) The applicant contends good service, including a combat tour. The Board recognized the applicant's willingness to serve and considered this contention during board proceedings along with the totality of the applicant's service record. The Board voted to upgrade the applicant's discharge to Honorable, with a narrative reason for discharge of Secretarial Authority.

(4) The applicant contends an upgrade would allow educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

c. The Board determined the discharge is inequitable based on the applicant's Major Depressive Disorder (MDD), PTSD, and MST mitigating the applicants possession and use of cocaine basis for separation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to honorable and changed the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service. However, the applicant may request a personal appearance hearing to address further 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 to change the applicant's characterization of service to Honorable because the applicant's Major Depressive Disorder (MDD), PTSD, and MST mitigated the applicant's possession and use of cocaine basis for separation. Thus, the prior characterization is no longer appropriate.

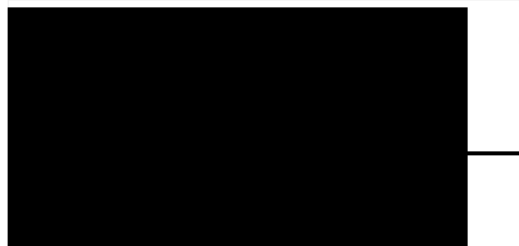
(2) The Board voted to change the reason for discharge to Secretarial Authority under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

(3) The RE code will not change due to applicant's BH diagnoses warranting consideration prior to reentry of military service.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Secretarial Authority / JFF
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200, Chapter 15

**Authenticating Official:**



**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



## ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

**AR20210000929**

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