

**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 honorable. The applicant requests a narrative reason change and a reentry eligibility (RE) code change.

The applicant seeks relief contending, in effect, the discharge is unjust for a few reasons. The applicant was flagged and given an Article 15 for not being at their place of duty, something they could not control. The applicant was assigned to the Warrior Transition Unit for attempted suicide in Afghanistan. Months before the applicant's attempted suicide in Afghanistan, the applicant was harassed and bullied by individuals in their unit. The applicant was medically evacuated and began to receive help for their mental health, which lasted for two and a half to three years. While working in the brigade, the applicant had an ectopic pregnancy, so surgery was required, and the applicant lost their baby. The applicant became severely depressed with anxiety and marital issues. The applicant states they were sent to the battalion to pull staff duty, and the chain of command knew they were taking mood and sleep medications. The applicant could not adjust to all the emotional changes and turned to drugs to cope. The applicant was diagnosed with agoraphobia, anxiety, depression, and PTSD. The applicant's commander chapered them when the applicant met the psychiatric criteria for a Chapter 5-17 discharge. The applicant's psychiatrist recommended a Chapter 5-17 discharge due to their lengthy history.

b. **Board Type and Decision:** In a records review conducted on 18 January 2024, and by a 5-0 vote, the Board determined the narrative reason for the applicant's separation is now inequitable based on the applicant's Depressive Disorder, PTSD, and TBI mitigating applicant's FTRs and wrongful use of marijuana basis for separation. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN, and the reentry code to RE-3. The Board determined the characterization of service was proper and equitable and voted not to change it.

*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 / Honorable

b. **Date of Discharge:** 18 January 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 28 November 2011

**(2) Basis for Separation:** The applicant was informed of the following reasons: On 29 July 2011, the applicant received a Field Grade Article 15 for wrongfully using marijuana a schedule I controlled substance. The applicant also received a Company Grade Article 15 on 15 October 2010, for multiple failures to be at their appointed place of duty.

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

**(4) Legal Consultation Date:** 5 December 2011

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

**(6) Separation Decision Date / Characterization:** 4 January 2012 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 20 September 2007 / 4 years, 22 weeks

**b. Age at Enlistment / Education / GT Score:** 21 / High School Graduate / 91

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 42A10, Human Resources / 4 years, 5 months, 3 days

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

**e. Overseas Service / Combat Service:** SWA / Afghanistan (26 February 2010 – 21 June 2010)

**f. Awards and Decorations:** ACM-CS, NDSM, GWOTSM, ASR, NATOMDL

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** CG Article 15, 15 October 2010, (between 24 June and 26 August 2010) on four occasions fail to go at the time prescribed to their appointed place of duty. The punishment consisted of a reduction to E-3 (suspended); forfeiture of \$488 (suspended) and extra duty 14 days and a oral reprimand.

Electronic Copy of DD Form 2624, 7 June 2011, reflects the applicant tested positive for THC during an Inspection Random (IR) urinalysis testing, conducted on 31 May 2011. NG is 72.

FG Article 15, 29 July 2011, for wrongfully using marijuana (between 30 April and 31 May 2011). The punishment is not legible. However, the Commander's Report reflects a reduction to Private First Class; forfeiture of \$975 pay per month for 2 months, suspended, to be automatically remitted if not vacated on or before 29 December 2011; extra duty for 45 days.

Report of Mental Status Evaluation, 8 November 2011, 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 and mTBI with negative results. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The applicant met psychiatric criteria for expeditious administrative separation IAW chapter 5-17. The applicant did not have a severe mental disorder and was not considered mentally disordered. However, the applicant

had a long-standing disorder of character, behavior, and adaptability (i.e., personality disorder). It was the professional opinion of the provider the applicant would not respond to command efforts at rehabilitation (such as transfer, disciplinary action, or reclassification), or to any behavioral health treatment methods currently available in the military. The applicant manifested a long-standing, chronic pattern of difficulty adjusting (i.e., Adjustment Disorder) as characterized by a maladaptive reaction to an identifiable stressful life event of six months or longer. The applicant had a recent positive urinalysis indicating drug use.

Five Developmental Counseling Forms, for various acts of misconduct.

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

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

**(1) Applicant provided:** Metroplex Behavioral Health Report printed on 2 December 2015, reflects a diagnostic impression of Bipolar one disorder, most recent episode depressed with psychotic features. Panic disorder with agoraphobia; Generalized anxiety disorder; Posttraumatic stress disorder; Cannabis dependence.

**(2) AMHRR Listed:** Report of Medical Examination, undated, the examining medical physician noted in the comments section: Anxiety, depression, Insomnia, and irritability.

Report of Medical History, 18 October 2011, the examining medical physician noted in the comments section: Anxiety, depression, insomnia, and irritability.

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 214; online application; Work center site schedule report and medical records; two letters of support.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant sought help for their mental health, and is a valuable contributor to the youth sports program of Killeen Parks & Recreation who has volunteered over 70 hours of their time during the youth basketball season running practices and coaching during games.

**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) 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.

(4) 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.

(5) 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-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

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 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 agoraphobia, anxiety, depression, and PTSD. The applicant became severely depressed with anxiety and marital issues. The applicant provided a Metroplex Behavioral Health Report printed on 2 December 2015, reflecting a diagnostic impression of Bipolar one disorder, most recent episode depressed with psychotic features. Panic disorder with agoraphobia; Generalized anxiety disorder; Posttraumatic stress disorder; Cannabis dependence. The applicant provided a letter of support which states the applicant coped with and overcame many personal hardships such as Post Traumatic Stress Disorder (PTSD) in a stressful combat environment, yet still performed their duties as an Administrative Support Technician with honor and integrity. The AMHRR includes a Report of Medical Examination, undated, wherein the examining medical physician noted in the comments section: Anxiety, depression, Insomnia, and irritability. A Report of Medical History, 18 October 2011, the examining medical physician noted in the comments section: Anxiety, depression, insomnia, and irritability. Also, the record shows the applicant underwent a mental status evaluation (MSE) on 8 November 2011, which indicated the applicant was mentally responsible and was able to recognize right from wrong. The applicant had been screened for PTSD and mTBI with negative results. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The applicant met the psychiatric criteria for expeditious administrative separation IAW chapter 5-17. The applicant did not have a severe mental disorder and was not considered mentally disordered. The MSE and the Report of Medical Examination and history were considered by the separation authority.

The applicant contends being sent to the battalion to pull staff duty, and the chain of command knew they were taking mood and sleep medications. The applicant could not adjust to all the emotional changes and turned to drugs to cope. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The evidence of record shows the command attempted to assist the applicant in performing and conducting to Army standards by providing counseling and the imposition of non-judicial punishment. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends harassment and discrimination by members of the chain of command. There is no evidence in the AMHRR the applicant sought assistance or reported the harassment.

The applicant contends the commander chaptered them although they met the psychiatric criteria for a Chapter 5-17 discharge. The applicant's psychiatrist recommended a Chapter 5-17 discharge due to their lengthy history. Army Regulation 635-200, stipulates commanders will not separate Soldiers for a medical condition solely to spare a Soldier who may have committed serious acts of misconduct.

The applicant contends good service, including a combat tour. The applicant provided a third-party statement reflecting on how hard the applicant worked.

The applicant contends seeking help for mental disorders and has volunteered over 70 hours of their time during the youth basketball season running practices and coaching during games a valuable contributor to the youth sports program of Killeen Parks & Recreation. 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'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: Adjustment Disorder, Depressive Disorder, Anxiety, PTSD, TBI. Additionally, the applicant asserts Panic Disorder with Agoraphobia, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(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 an Adjustment Disorder, Depressive Disorder, and Anxiety. The applicant is diagnosed and service connected by the VA for PTSD, and the VA medical record reveals an in service TBI. Service connection establishes that the applicant's PTSD existed during military service. There is no evidence that the applicant's post service diagnoses of Bipolar I Disorder with Psychotic Features and Panic Disorder with Agoraphobia existed during military service.

(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 multiple mitigating BH conditions. The applicant was diagnosed in service an Adjustment Disorder, Depressive Disorder, and Anxiety. The applicant is diagnosed and service connected by the VA for PTSD, and the VA medical record reveals an in service TBI. Given the nexus between a Depressive Disorder, PTSD, TBI, self-medicating with substances and avoidance, the wrongful use of marijuana and FTRs that led to the applicant's separation are mitigated. The applicant's post-service diagnoses of Bipolar I Disorder with Psychotic Features and Panic Disorder with Agoraphobia are inconsequential to the case given the full mitigation for the other BH conditions.

(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 Depressive Disorder, PTSD, and TBI outweighed the FTRs and wrongful marijuana use basis for separation for the aforementioned reason(s).

b. Response to Contention(s):

(1) The applicant contends the narrative reason and RE code for the discharge needs to be changed. The Board determined that this contention was valid and voted to change the narrative reason and RE code due to Depressive Disorder, PTSD, and TBI mitigating the applicant's FTRs and wrongful marijuana use.

(2) The applicant contends being diagnosed with agoraphobia, anxiety, depression, and PTSD. The applicant became severely depressed with anxiety and marital issues. 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 Depressive Disorder,

PTSD, and TBI fully outweighing the applicant's FTRs, and wrongful marijuana use basis for separation.

(3) The applicant contends being sent to the battalion to pull staff duty, and the chain of command knew they were taking mood and sleep medications. The applicant could not adjust to all the emotional changes and turned to drugs to cope. 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 Depressive Disorder, PTSD, and TBI fully outweighing the applicant's FTRs, and wrongful marijuana use basis for separation.

(4) The applicant contends harassment and discrimination by members of the chain of command. 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 Depressive Disorder, PTSD, and TBI fully outweighing the applicant's FTRs, and wrongful marijuana use basis for separation.

(5) The applicant contends the commander chaptered them when they applicant met the psychiatric criteria for a Chapter 5-17 discharge. The applicant's psychiatrist recommended a Chapter 5-17 discharge due to their lengthy history. 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 Depressive Disorder, PTSD, and TBI fully outweighing the applicant's FTRs, and wrongful marijuana use basis for separation.

(6) The applicant contends good service, including a combat tour. The Board recognizes and appreciates the applicant's willingness to serve and considered this contention during board proceedings along with the totality of the applicant's service record.

(7) The applicant contends seeking help for mental disorders and a valuable contributor to the youth sports program of Killeen Parks & Recreation and volunteered over 70 hours of their time during the youth basketball season running practices and coaching during games. 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 Depressive Disorder, PTSD, and TBI fully outweighing the applicant's FTRs, and wrongful marijuana use basis for separation.

c. The Board determined the narrative reason for the applicant's separation is now inequitable based on the applicant's Depressive Disorder, PTSD, and TBI mitigating applicant's FTRs and wrongful use of marijuana basis for separation. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN, and the reentry code to RE-3. The Board determined the characterization of service was proper and equitable and voted not to change it. However, the applicant may request a personal appearance hearing to address further issues before the 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 determined the discharge is proper and equitable as the applicant was discharge with a Character of Honorable therefore, no further relief is available.



**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20210001343**

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) due to the basis of separation no longer being valid, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

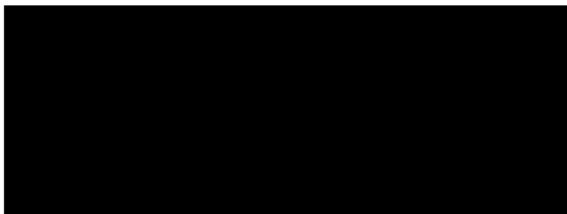
(3) The Board voted to change the RE code to RE-3.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** No Change
- a. **Change Reason / SPD code to:** Misconduct (Minor Infractions)/JKN
- b. **Change RE Code to:** RE-3
- c. **Change Authority to:** AR 635-200, paragraph 14-12a

**Authenticating Official:**

4/29/2024



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