

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, having served in Iraq's Maysan Province, providing security detail for DoD personnel and operating counter IED and IDF patrols. The applicant was suffering from untreated PTSD when the unit returned from Iraq and attempted to self-medicate with alcohol which exacerbated the situation. The drinking intensified and began using marijuana while on leave in Virginia. The applicant states because they were black-out intoxicated most of the time, the applicant had no recollection of the incident. When the applicant returned to Fort Carson, the applicant realized the need for help and sought treatment for the alcoholism. The applicant spent a week in an inpatient treatment center and participated in ASAP meetings while on post. When the applicant was informed of testing positive for marijuana and would be separated from the Army shortly after finishing the inpatient treatment, the applicant was devastated. Throughout the process, the applicant remained a good Soldier, doing everything requested and never losing the professionalism. The Battalion Commander recognizing the applicant as a good Soldier who realized making a mistake, did not punish the applicant as harshly as others who had done similar things. The final decision was made by the Brigade Commander, whom the applicant never met and was never able to explain how sick the applicant was and, on the road, to recovering. The discharge was unfair and unjust because the entire military career was decided on the one bad mistake in an otherwise exemplary history of service. The applicant had no other major disciplinary issues. The applicant was promoted to Specialist (E-4) early while in Iraq because of the leadership abilities. The life since the Army has been much better. The applicant was officially diagnosed and treated for the PTSD by the VA. The applicant has not used drugs or alcohol in over three years. The applicant received a 60 percent disability rating from the VA after the discharge, for a service-connected injury and for the PTSD diagnosis. The entire Army career was based on the one mistake made, by a very sick person who needed help more than anything. Without an honorable characterization of service, the applicant is unable to receive benefits. The applicant believes considering the record of service prior to the one incident, warrants an upgrade to an honorable discharge.

b. **Board Type and Decision:** In a records review conducted on 18 September 2025, and by a 5-0 vote, the Board determined the original discharge was inequitable and upgraded it to Honorable under Secretarial Authority. 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 determined the RE code 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 / General (Under Honorable Conditions)

b. Date of Discharge: 18 October 2011

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 31 August 2011

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant wrongfully used marijuana (between 14 May and 13 June 2011).

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

(4) Legal Consultation Date: 3 October 2011

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 5 October 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 17 February 2009 / 3 years, 18 weeks

b. Age at Enlistment / Education / GT Score: 29 / GED / 126

c. Highest Grade Achieved / MOS / Total Service: E-4 / 13B10, Cannon Crewmember / 2 years, 8 months, 2 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (23 March 2010 – 7 March 2010)

f. Awards and Decorations: ICM-2CS, ARCOM, NDSM, GWOTSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Two Developmental Counseling Forms for initiation of separation process; lacking motivation and drive; and falling out of the platoon run.

Army Substance Abuse Program (ASAP) Enrollment form, 20 June 2011, reflects the applicant self-referred in the ASAP.

FG Article 15, 25 August 2011, for wrongfully using marijuana (between 14 May and 13 June 2011). The punishment consisted of a reduction to E-1; forfeiture of \$733 pay (suspended); and extra duty for 45 days.

Report of Mental Status Evaluation (MSE) (pages 1 and 3 of 3 pages), 23 August 2011, reflects the applicant was psychologically cleared for administrative separation. The applicant could

understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The MSE remarks were: The applicant had no diagnoses of a major mental illness which accounts for the misconduct leading to the command's recommendation for administrative separation. The applicant did not have PTSD or suffers from symptoms of a TBI.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor, if applicable. See "**Board Discussion and Determination**" for Medical Advisor Details.

(1) Applicant provided: None

(2) AMHRR Listed: MSE as described in previous paragraph 4h.

Report of Medical History, 29 August 2011, the applicant noted behavioral health issues and the examining medical physician noted in the comments section: Anxiety prior to and post deployment, and on current medication; appointment with ASAP counselor; Insomnia, will discuss with counselor and Behavioral Health; Depression and on current medication; and hospitalized for "ETOH dependency."

5. APPLICANT-PROVIDED EVIDENCE: Online application.

6. POST SERVICE ACCOMPLISHMENTS: The applicant states having been diagnosed and treated for PTSD by the VA, the applicant has not used drugs or alcohol in over three years.

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, 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 includes: A Soldier's self-referral to BH for SUD treatment; Admissions and other information concerning alcohol or other drug abuse or possession of drugs incidental to personal use occurring prior to the date of initial referral to treatment and provided by Soldiers as part of their initial entry into SUD treatment; Drug or alcohol test results, if the Soldier voluntarily submits to a DoD or Army SUD treatment before the Soldier has received an order to submit for a lawful drug or alcohol test; and, the results of a drug or alcohol test administered solely as a required part of a DoD or Army SUD treatment program.

e. Army Regulation 635-200 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) 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.

(8) 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.

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 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 suffering from an undiagnosed PTSD upon returning from Iraq, and the VA has diagnosed the applicant with PTSD. The applicant's AMHRR contains no documentation of PTSD diagnosis. The applicant did not submit any evidence, other than the applicant's statement, to support the contention the discharge resulted from any medical condition. The applicant's AMHRR shows the applicant underwent a mental status evaluation (MSE) on 23 August 2011, 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 contends when realizing the need for help and seeking treatment for the alcoholism, the applicant spent a week in an inpatient treatment center and participated in ASAP meetings. The applicant's separation packet includes DA Form 8003 (Army Substance Abuse Program (ASAP) Enrollment), which shows the applicant was a self-referral into ASAP. The government introduced the document into the discharge process, revealing the applicant had self-referred to the Army Substance Abuse Program (ASAP) for alcohol or substance abuse. The self-referral is limited use information as defined in AR 600-85. Use of this information mandates award of an honorable discharge. Army Regulation 600-85, paragraph 7-3 entitled voluntary (self) identification and referral, states voluntary (self) ID is the most desirable method of identifying substance use disorder. The individual whose performance, social conduct, interpersonal relations, or health becomes impaired because of these problems has the personal obligation to seek help. Soldiers seeking self-referral for problematic substance use may access services through BH services for a SUD evaluation. The Limited Use Policy exists to encourage Soldiers to proactively seek help.

The applicant contends the discharge was unfair and unjust because it was based on one bad mistake in an otherwise exemplary history of service. Army Regulation 635-200, paragraph 3-5, in pertinent part, stipulates circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization. The Board will consider the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends being unable to receive benefits. Eligibility for veterans' benefits 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.

The applicant contends having been diagnosed and treated for PTSD by the VA, the applicant has not used drugs or alcohol in over three years. 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: Major Depressive Disorder/Other Specified Depressive Disorder, Anxiety Disorder NOS, 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 Major Depressive Disorder and Anxiety Disorder NOS and is service connected by the VA for PTSD with Other Specified Depressive Disorder.

(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 Major Depressive Disorder and Anxiety Disorder NOS and is service connected by the VA for PTSD with Other Specified Depressive Disorder. Given the nexus between PTSD, Depression, Anxiety and using substances for self-medication, the marijuana use that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Considering diagnoses of Major Depressive Disorder, Anxiety Disorder, and service-connected PTSD, the Board determined the applicant's behavioral health conditions outweighed the basis for separation due to drug abuse.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends suffering from an undiagnosed PTSD upon returning from Iraq, and the VA has diagnosed the applicant with PTSD. The Board considered this contention, and determined the applicant's subsequently diagnosed PTSD, alongside Major Depressive Disorder and Anxiety Disorder, warranted invoking Secretarial Authority to recharacterize the discharge to Honorable.

(2) The applicant contends when realizing the need for help and seeking treatment for the alcoholism, the applicant spent a week in an inpatient treatment center and participated in ASAP meetings. The Board considered this contention, recognizing the applicant's self-referral to ASAP and participation in treatment, which demonstrated a proactive step towards addressing substance abuse.

(3) The applicant contends the discharge was unfair and unjust because it was based on one bad mistake in an otherwise exemplary history of service. The Board considered this contention, and while acknowledging the applicant's prior exemplary service, determined the misconduct initially warranted separation, but mitigating circumstances justified relief under Secretarial Authority.

(4) The applicant contends being unable to receive benefits. The Board 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.

(5) The applicant contends having been diagnosed and treated for PTSD by the VA, the applicant has not used drugs or alcohol in over three years. The Board considered this contention and acknowledged the applicant's sustained sobriety and treatment for PTSD as further justification for granting relief under Secretarial Authority and upgrading the discharge.

d. The Board determined the discharge is inequitable based on the applicant's PTSD experience outweighed the applicant's drug abuse. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, the narrative reason for separation to Secretarial Authority, and the separation code to SA. The Board determined the RE Code was proper and equitable and voted not to change it.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(1) The Board voted to upgrade the applicant's discharge to Honorable, finding that the diagnoses of Major Depressive Disorder, Anxiety Disorder, and service-connected PTSD outweighed the basis for separation due to drug abuse.

(2) The Board voted to change the applicant's narrative reason for discharge to Secretarial Authority, with a corresponding separation code to JFF, as the reason the applicant was discharged was both improper and inequitable.

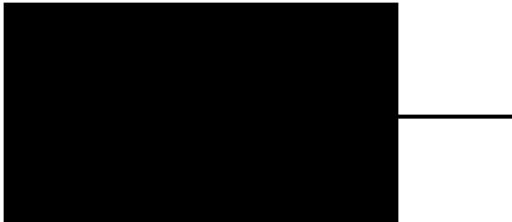
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: 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

Authenticating Official:

9/29/2025



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