

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 19 January 2021
- b. **Date Received:** 4 February 2021
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable, a change of reentry code and removal of their DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) from their Army Military Human Resource Record (AMHRR). Removal of a DA Form 2627 is not in the purview of the Army Discharge Review Board; however, a review of the applicant's AMHRR does not show a DA For 2627, as at time of the applicant's adverse action they were in the rank/grade of specialist/E-4 and the filing of a DA Form 2627 is not applicable to filed in a service member's AMHRR.

(2) The applicant seeks relief stating their nonjudicial punishment under the provisions of Article 15, UCMJ, trial and hearing were unjust. There was substantial evidence showing they were not guilty, and the decision was unlawful.

(3) In their letter to the Department of Veterans Affairs (VA), they state –

(a) They spent the night with a person who stated they had been taking cocaine and offered cocaine to them, they refused. That person continued to use cocaine that night, they spent the night with them having consensual sex. Approximately 30 hours after they had left their house, they [applicant] was notified to provide a random urinalysis sample. Two weeks later they were informed by Criminal Investigation Division (CID) that their urine sample indicated a positive result for a small amount of cocaine (824 nanograms).

(b) During their nonjudicial punishment process they explained the situation to their counsel, obtained a sworn statement from the person whom they spent the night with, having consensual sex, wherein they stated that they [applicant] did not use cocaine and that they were the only person who used cocaine. As part of the evidence, an Army physician informed their company commander that it is in fact possible for a person to absorb cocaine into their system through skin to skin contact and the exchange of body fluids. It is also noted that the presence of alcohol in the body slows down the metabolism of cocaine. While they [applicant] did not use cocaine, they did consume alcohol throughout that day. This in combination with the transfer of cocaine from that other person attributed to the positive test result.

(c) The case file documents during the collection of their urine sample, several protocols of the Army's urine sample procedure were not followed. The observer was not of the rank/grade of sergeant/E-5 or above, the observer did not watch the urine stream go directly into the cup and the observer tampered with the collected urine after they provided the sample. These violations stated in Army regulation should have resulted in the immediate disqualification of a urine sample.

(d) They request an upgrade to honorable based on their military record and their accomplishments. They aspire to complete college and pursue the opportunity to become an

officer in the U.S. Army. They take full responsibility for their actions; but they did not use cocaine, nor did they knowingly take advantage of that person use of cocaine to get a contact high as their battalion commander alleged. The outcome of the Article 15 hearing was not fair based on the facts and truth which they presented as evidence.

b. Board Type and Decision: In a records review conducted on 15 March 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length, quality of service and circumstances surrounding the discharge (PTSD diagnosis). 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, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / Army Regulations 635-200, Paragraph 14-12c(2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 28 September 2020

c. Separation Facts: The applicant's AMHRR case files for approved separation is void of documents except for the Separation Authority memorandum; however, the applicant provided several separation documents. The information in 3c(1) through (6) were derived from those documents.

(1) Date of Notification of Intent to Separate: Notification of Intent to Separate memorandum is undated.

(2) Basis for Separation: between on or about 10 April 2020 and on or about 14 April 2020, wrongfully used cocaine, a schedule II controlled substance.

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

(4) Legal Consultation Date: 5 August 2020

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 21 August 2020 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 13 September 2017 / 3 years, 21 weeks

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / 117

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1V, Infantryman / 3 years, 16 days

d. Prior Service / Characterizations: None

e. **Overseas Service / Combat Service:** None

f. **Awards and Decorations:** AAM, AGCM, NDSM, GWTSM, ASR

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:**

(1) A DA Form 4856 (Developmental Counseling Form), dated 29 April 2020, reflects the applicant received event oriented counseling for a positive urine analysis, with a recommendation for UCMJ and the initiation of a suspension of favorable actions (Flag). [Note – this document provided by the applicant consists of only the first page.]

(2) A memorandum, U.S. Army Criminal Investigation Command, Fort Richardson CID Office, subject: Law Enforcement Report – Initial, dated 4 May 2020, reflects the applicant as the named subject with the offense of Wrongful Use of Cocaine – Detected by Urinalysis (Article 112a, UCMJ). The Report Summary states the applicant provided a urine sample during a unit urinalysis inspection conducted on 14 April 2020, which tested positive for Cocaine.

(3) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ), dated 13 May 2020, reflects the applicant received nonjudicial punishment, in that, between on or about 10 April 2020 and on or about 14 April 2020, wrongfully use cocaine, a schedule II controlled substance. Their battalion commander directed the filing of the original DA Form 2627 is not applicable as the applicant was an E-4 or below at the start of the proceedings. The applicant elected not to appeal. [Note – this document provided by the applicant consists of only the first page and this document is not filed in the applicant's AMHRR.]

(4) A memorandum, Headquarters, 4th Infantry Brigade Combat Team (Airborne), 25th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs [Applicant], the applicant's company commander notified the applicant of their intent to separate them under the provisions of Army Regulation 635-200, Chapter 14-12c(2), misconduct-abuse of illegal drugs, with a recommended characterization of service of general (under honorable conditions), for wrongfully used cocaine.

(5) On 5 August 2020, the applicant completed their election of rights signing they had been advised by counsel of the basis for their separation and its effects and of the rights available to them. They elected to submit statements in their behalf, stating –

(a) They respectfully request a Bar to Reenlistment instead of a separation from service. Their unit did not adhere to the Army policy in administering the urinalysis. The observer must be an E-5 or above, their observer during the test was an E-4. No one must tamper with a Soldier's specimen. When they were finished with the collection process, they placed their specimen on the counter to wash their hands. The observer then took their specimen, removed the lid, breaking the seal of the lid, took the specimen into a stall by themselves, and poured part of their collection out. They presented this evidence to the Unit Prevention Leader (UPL), the UPL stated that the specimen should have been thrown out and not counted.

(b) They fully accept and acknowledge the decision they made to attend a party was wrong and having sexual intercourse with a person what was doing cocaine was wrong. They believe that their time in the Army has been greatly beneficial to them, and they have taken their time in the service profoundly serious and gone to schools to help better their career. They have also passed their promotion board and completed Basic Leadership Course and was on track to

be a noncommissioned officer (NCO). They joined the Army with goals of completing Ranger School and gain leadership skills and the knowledge they need to lead Soldiers in hopes to go to college, earn a degree, and return to the service as an officer.

(c) They respectfully request for a Bar to Reenlistment instead of a separation, which would allow them to complete their enlistment, obtain their GI Bill, and go to college to get a degree.

(6) On 17 August 2020, the applicant's company commander submitted a request to separate, but that the separation be suspended for a period of 12 months. The company commander states the applicant has demonstrated their potential through their performance and earning their Ranger Tab. While they lacks humility, they [commander] attest, that a 12-month suspension of their separation will give them time to truly show their character.

(7) On 17 August 2020, the applicant's battalion commander recommended the applicant be separated, but that the separation be suspended for a period of 12 months.

(8) A memorandum, Headquarters, 4th Infantry Brigade Combat Team (Airborne), 25th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs [Applicant], dated 21 August 2020, the separation authority having reviewed the separation packet of the applicant, directed the applicant be separated from the Army prior to the expiration of current term of service and their service be characterized as general (under honorable conditions).

(9) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 28 September 2020, with 3 years and 16 days of net active service this period.

- item 18 (Remarks) – shows, in part, Member has not completed first full term of service
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 27 (Reentry Code) – 4 [Applies to: Person separated from last period of service with a nonwaiverable disqualification]

(10) An Enlisted Record Brief, dated 29 September 2020, reflects the applicant was advanced in rank/grade to specialist/E-4 on 1 June 2019 and reduced in rank/grade to private two/E-2 on 21 May 2020.

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

j. **Behavioral Health Condition(s):** None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552), with letter address to the VA
- Case Files for Approved Separation

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted with the application.

7. **STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 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 (DoD) 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 19 December 2016, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) 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.

(2) 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.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. Paragraph 14-12c(2) (Abuse of Illegal Drugs is Serious Misconduct), stated, however; 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. 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) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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, paragraph 12c(2), 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 DoD

Instructions 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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

(1) 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.

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

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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.

g. Army Regulation 600-85 (Army Substance Abuse Program (ASAP) provides a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers of all components. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army Values, the Warrior Ethos, and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission.

(1) Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement.

(2) ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

(3) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldier who test positive for illicit drugs for the first time will be evaluated for dependency, disciplined, as appropriate, and processed for separation within 30 calendar days of the company commander receiving notification of the positive result from the ASAP. Retention should be reserved for Soldiers that show clear potential for both excellent future service in the Army and for remaining free from substance abuse. Soldiers diagnosed as drug dependent will be offered rehabilitation prior to separation.

(5) Chapter 4 (Military Personnel Deterrence Drug Testing Program) provides observers must be an officer, warrant officer, NCO (E-5 or above), Department of the Army Civilians (General Schedule (Gs-5) or pay grade equivalent, or contract employee (or pay grade

equivalent). Observers must be briefed on and receive a demonstration of their duties by a UPL each time they are selected to perform them. The observers' duties are to –

- maintain direct eye contact with the specimen bottle from the time the UPL hands it to the Soldier until the time the UPL places it in the collection box
- observe urine leaving the Soldier's body and entering the specimen bottle
- ensure no one tampers with the Soldier's specimen
- guide the Soldier through the collection process
- report unusual occurrences and attempts to adulterate the specimen to the UPL

h. Manual for Courts-Martial, United States (2016 Edition) stated, military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating the following Article 112a (Wrongful Use, Possession, etc., of Controlled Substances).

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. The applicant's Army Military Human Resource Record (AMHRR) reflects the applicant received developmental counseling for testing positive for cocaine and was involuntary separation from the service. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse), with a characterization of service of general (under honorable conditions). The applicant completed 3 years, and 16 days of net active service this period; however, the applicant did not complete their 3-year, 21-week contractual enlistment obligation.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. 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.

d. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

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: PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection for PTSD establishes it is linked to 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 the applicant has a mitigating BH condition, PTSD. As there is an association between PTSD and self-medication with alcohol and/or illicit drugs, there is a nexus between his diagnosis of PTSD and his wrongful use of cocaine.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition outweighed the basis of separation.

b. Prior Decisions Cited:

c. Response to Contentions:

(1) The applicant contends their nonjudicial punishment under the provisions of Article 15, UCMJ, trial and hearing were unjust. There was substantial evidence showing they were not guilty, and the decision was unlawful. The Board considered this contention during proceedings and determined to grant an upgrade based on the applicant's PTSD fully outweighing the applicant's drug abuse basis for separation.

(2) The applicant contends while they did not use cocaine, they did consume alcohol throughout that day. This in combination with the transfer of cocaine from that other person attributed to the positive test result. The Board considered this contention during proceedings and determined that it is currently not supported by medical findings.

(3) The applicant contends, the case file documents, during the collection of their urine sample, several protocols of the Army's urine sample procedure were not followed. The observer was not of the rank/grade of sergeant/E-5 or above, the observer did not watch the urine stream go directly into the cup and the observer tampered with the collected urine after they provided the sample. These violations stated in Army regulation should have resulted in the immediate disqualification of a urine sample. The Board considered this contention non-persuasive during its deliberations as there was no proof in the applicant's file.

d. The Board determined the discharge is inequitable based on the applicant's length and quality of service and circumstances surrounding the discharge (PTSD diagnosis). 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, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

e. Rationale for Decision:

(1) The applicant has an in-service diagnosis and is 30% service connected by the VA for PTSD. The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating BH condition, PTSD. As there is an association between PTSD and self-medication with alcohol and/or illicit drugs, there is a nexus between his diagnosis of PTSD and his wrongful use of cocaine. The Board discussed the applicant's contentions, carefully considered the applicant's request, evidence in the records, and medical review recommendation. Based on the BH mitigation, one time drug use, length and quality of service, the Board concurred the current discharge is inequitable and warranted an upgrade

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

(3) The RE code will 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:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No change
- e. **Change Authority to:** AR 635-200

Authenticating Official:

3/25/2024

