

**1. Applicant's Name:** [REDACTED]

a. **Application Date:** 27 November 2020

b. **Date Received:** 27 November 2020

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, a narrative reason change, and changes to their separation and reenlistment codes.

b. The applicant seeks relief contending, during their time in, there was a mix-up of records once another Soldier with the same last name came to their unit. There were many instances where their names would be confused, including drug testing. Prior to the other Soldier being stationed there, the applicant had any misconduct issues; however, afterwards they began receiving counseling's for missed appointments, incomplete tasks, missed formations, uncleaned equipment, etc. These were all cases of the other Soldier who was failed to report or perform duties appropriately and although the applicant brought this to the attention of their NCO's (noncommissioned officers), it continued.

(1) On 13 July 2019, the applicant was instructed to take the other Soldier to pick up their discharge orders and while they were there, the applicant was told they also had orders. They were not aware of any discharge until then, and afterwards, was told the discharge was for drug use. The applicant asked about having this changed and was advised it was up to the commander for approval. After having notified their NCO, the NCO took the matter up the chain and the applicant's battalion commander stated [the correction] would take too long, there was too much paperwork, and stated they did not want to deal with it. To the applicant's knowledge, they have never tested positive for drug use, as they were not involved in drugs and was never charged with drug use.

(2) They were only questioned due to the other Soldier having showed up positive on their last drug test and during the urinalysis, the applicant notified the issuing Soldiers about the same last name problem and told them the urine they were testing for the applicant, was in fact the other Soldiers. The [chain of command] never retested or acted like they cared. After this drug test, the applicant never received notification of a positive drug test or was given an article and had not been counseled. Their last drug test took place on 11 January 2019 when the applicant was tested for drugs due to slurred speech and other stroke symptoms. The drug test came back negative (provided), they have taken dozens of drug test prior to this and at least a dozen more after this test, and all were negative.

(3) Due to the applicant's chain of command having failed to ensure their discharge was completed properly, the applicant requests the consideration of an upgrade. If an upgrade is not possible, at the very least, the applicant requested the narrative reason be changed from drug use/misconduct and their reenlistment code changed. This is something that will follow them around for the rest of their life, and restricts the applicant from government positions, and they are unable to reenlist in the National Guard, for an action that was not their own.

**c. Board Type and Decision:** In a records review conducted on 19 February 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

*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:** 19 July 2019

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 19 June 2019

**(2) Basis for Separation:** The applicant wrongfully used marijuana.

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

**(4) Legal Consultation Date:** On 20 June 2019, the applicant waived counsel.

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

**(6) Separation Decision Date / Characterization:** 24 June 2019 / General (Under Honorable Conditions)

### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 4 April 2017 / 3 years, 21 weeks

**b. Age at Enlistment / Education / GT Score:** 22 / High School Diploma / 116

**c. Highest Grade Achieved / MOS / Total Service:** E-3 (PFC) / 13F10 Fire Support Specialist / 2 years, 3 months, 16 days

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

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

**f. Awards and Decorations:** NDSM, ASR

**g. Performance Ratings:** NA

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

**(1)** On 4 April 2017, the applicant enlisted in the Regular Army for 3 years and 21 days as a private (E-1). The Enlisted Record Brief provides on 1 February 2018, the applicant was promoted to private first class. On 26 March 2018, they were flagged, Suspend Favorable Personnel Actions (FLAG), for the Army Weight Control Program; on 7 February 2019, for law

enforcement investigation; and on 19 June 2019, for field-initiated involuntary separation.

(2) A Military Police Report, dated 9 January 2019, AAFES Loss Prevention notified military police of a shoplifting incident. Investigation determined while monitoring the CCTV, they observed the applicant remove two pairs of sunglasses from the shelves, about \$319 in value, concealed them on their person, and exited the PX (post exchange) without rendering payment. The applicant was apprehended and transported to the MP station where they were advised of their legal rights, in which they invoked. They were processed and released to their unit (SFC).

(3) On 7 February 2019, the Army Substance Abuse Program (ASAP) Manager, informed the command of the applicant's positive urinalysis for marijuana and provided the required actions IAW AR 600-85, such as notifying local CID, refer the Soldier to Behavioral Health for evaluation/assessment within five duty days; initiating their FLAG; and to comply with regulatory guidance AR 635-200.

(4) On 2 and 7 May 2019, the applicant completed their separation medical examination at East Bliss Clinic, El Paso, TX, which indicated they were medically prescribed Tramadol, Toradol, and Tylenol. The provider qualified them for separation, noted to see their electronic medical record to view their summary of concerns and did not have any recommendations. The applicant indicated their overall health had worsen since their last exam and identified they were seen for their back injury which required a fusion. They completed a mental status evaluation at Mendoza Behavioral Health Clinic, Fort Bliss, TX, which provided no BH diagnosis; the provider psychiatrically cleared them for separation.

(5) On 17 May 2019, although not in the record, the commander's report provides the applicant received nonjudicial punishment for having wrongfully used marijuana, which imposed a reduction to PV2 (E-2); forfeiture of \$942 pay per month for two months, suspended, to be automatically remitted if not vacated on or before 13 November 2019; extra duty for 45 days. Further the commander noted: the applicant was a substandard Soldier whose performance declined after their initial drug test, consequently they needed to be removed for the good order and discipline of the unit.

(6) On 19 June 2019, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14-12c (2), Misconduct (Drug Abuse), for wrongful use of marijuana. They recommended a General (Under Honorable Conditions) characterization of service, in which the battalion commander concurred with. The applicant acknowledged receipt of their separation notice. They elected to waive counsel and declined to provide a statement on their behalf. Defense counsel indicated the applicant was afforded an opportunity consult with legal and acknowledged their election.

(7) On 24 June 2019, the separation authority approved the discharge with a General (Under Honorable Conditions) characterization of service. On 9 July 2019, their separation orders were issued and later amended. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects they were unable to provide a signature and was discharged accordingly on 19 July 2019, with 2 years, 3 months, and 27 days of total service. They did not complete their first full term of service.

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

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

**(1) Applicant provided:** The applicant provided a VA letter which indicated effective 28 October 2020, they received a 100% service-connection rating; however, the letter does not include their rated diagnoses/disabilities.

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Self-Authored Statement; Veteran Affairs Service-Connection Letter; Medical Records

**a.** Although undated and unsigned, a former supervisor (SSG) contends the applicant was never in trouble under their leadership, was reliable to complete their duties, and served proudly while stationed there with minimal to no supervision.

**b.** On 2 February 2020, although unsigned, the Soldier with the same last name, provided a statement reflecting the applicant's sworn statement, contending many times during random drug testing's, the administrators would often confuse them, as they were not double checking the first names, having put the wrong samples in the wrong slots. This created confusion not only in finance, staff duty, details, tasking, field issues, and leave packets. One time in particular, the applicant was denied Christmas leave for having missed appointments, although they had not missed any appointments; instead, the Soldier missed appointments and was granted leave. They escorted the Soldier to obtain their discharge orders and the applicant was made aware of their impending discharge for drug use. The Soldier had no doubt that their names were confused, as they had tested positive for drugs and was booked at CID (Criminal Investigation Division). The applicant was only questioned because they served with the Soldier. The applicant never received an article for drug use and they were never booked with CID. The Soldier regretted that the applicant also had "drug abuse" put on their DD Form 214, when it was only them. The applicant should not have to permanently have this on their records, when it was the Soldier's doing. There were many times the applicant had to take the fall for things that the Soldier did during their service, because other Soldiers (including NCOs) would not take the time to differentiate between the two, to ensure the proper individual had received their punishment.

**6. POST SERVICE ACCOMPLISHMENTS:** None provided with this 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), dated 25 September 2019, 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), 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.

**(a)** 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.

**(b)** An Under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

**(2)** 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. 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. A Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

**(3)** 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 14-12c (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 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:

**(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 waiverable. Eligibility: Ineligible unless a waiver is granted.

**(3)** 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.

**g.** Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. 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 and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

**(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. 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.

**(2)** 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.

**(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 Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

**h.** Manual for Courts-Martial (2019 Edition), United States, states 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 orders and discipline in the Armed Forces.

**(1)** Article 112a (wrongful use of a schedule II controlled substance) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all

pay and allowances, and confinement for five years.

(2) Article 121 (larceny, military property of a value of \$1000 or less) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for one year.

i. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered, medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

**8. SUMMARY OF FACT(S):** The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests an upgrade to Honorable, a narrative reason change, and changes to their separation and reenlistment codes. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) The available evidence provides the applicant enlisted in the RA, promoted to PFC, and served for 1 year, 9 months, and 3 days prior to the misconduct which led to their discharge. In February 2019, they were charged and apprehended for having shoplifted two pairs of sunglasses (valuing \$319) and upon being transported to the MP station, the applicant was advised of their legal rights, in which they invoked. In May 2019, they received nonjudicial punishment in violation of Article 112a, UCMJ (wrongful use of schedule II substance) for having wrongfully used marijuana and was consequently, reduced to PV2. Separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12c (2), Misconduct (Drug Abuse), with a General (Under Honorable Conditions) characterization of service. Although they were afforded the opportunity to consult with legal, they elected to waived counsel, and further declined to submit a statement on their behalf, with defense counsel's acknowledgement.

(2) In their mental status evaluation, the provider ruled out a BH diagnosis and psychiatrically cleared them for separation. The applicant identified having problems with their lower back and was prescribed Tramadol, Toradol, and Tylenol. The provider acknowledged, qualified them for separation, and did provide further recommendations. The applicant provided a VA letter which indicated effective 28 October 2020, they received a 100% service-connection rating; however, the letter does not include their rated diagnoses/disabilities. They have served 2 years, 3 months, and 16 days of their 3 year-21 week contractual obligation.

b. 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.



c. 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: Adjustment Disorder, PTSD.

(2) Did the condition exist or experience occur during military service? **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: Adjustment Disorder, PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes, however the applicant contends the positive UA was not his.** The Board's Medical Advisor applied liberal consideration and opined that given the trauma occurred before the positive UAs and nexus between trauma and drug use, the basis would typically be mitigated. However, the applicant is contending the positive UA was not the applicant's.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder and PTSD outweighed the basis for applicant's separation – wrongful use of marijuana because the applicant denied the positive UA belonged to him.

#### b. Response to Contention(s):

(1) The applicant seeks relief contending, during their time in, there was a mix-up of records once another Soldier with the same last name came to their unit. There were many instances where their names would be confused, including drug testing. The Board considered this contention. 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. However, the Board was not provided with evidence to show the discharge was improper or inequitable. In light of the current evidence of record, the Board determined the applicant's discharge was appropriate.

(2) The Soldier contends having had no doubt that their names were confused, as they had tested positive for drugs and was booked at CID (Criminal Investigation Division). The applicant was only questioned because they served with the Soldier. The Board considered this contention and determined the applicant was properly and equitably discharged. 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. In light of the current evidence of record, the Board determined the applicant's discharge was appropriate.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the 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 voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's Adjustment Disorder and PTSD did not excuse or mitigate the offenses of wrongful use of marijuana. The Board concurred with the Medical Advisor, who applied liberal consideration and opined that given the trauma occurred before the positive UAs and nexus between trauma and drug use, the basis would typically be mitigated. However, the applicant is contending the positive UA was not his. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant's General (Under Honorable Conditions) discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same rationale, as the reason the applicant was discharged was both proper and equitable.

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

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

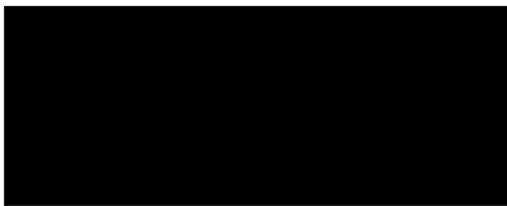
**AR20210008305**

**10. BOARD ACTION DIRECTED:**

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

**Authenticating Official:**

4/18/2025



**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