

1. Applicant's Name: [REDACTED]**a. Application Date:** 16 March 2021**b. Date Received:** 22 March 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 and a change of the narrative reason for separation.

(2) The applicant seeks relief stating during the first year in the Army they had no problem or issues. They did their duties up until their spouse (now ex-spouse) started having severe mental health problems and diagnosed with severe personality disorder. At that time all they wanted was to do their job and keep their spouse safe, but every time they went to the field, their spouse was trying to hurt themselves (commit suicide). It all became too overwhelming for them, and they drank to make all the drama stop and to help them to cope with the situation. They would still be in the Army had everything not snowballed out of control. They respectfully request a review of their service and grant their request.

b. Board Type and Decision: In a records review conducted on 23 October 2024, and by a 5-0 vote, the board determined the discharge is inequitable based on the applicant's medical diagnoses Adjustment Disorder, Depressive Disorder Unspecified, and Alcohol Use Disorder mitigated the applicant's basis for separation (wrongfully possessed Marijuana, THC, cannabidiols, and drug paraphernalia; and violated a lawful order from an NCO by consuming alcohol). 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.

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: 17 January 2018**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 11 December 2017

(2) **Basis for Separation:** on or about 29 August 2017, wrongfully possessed approximately 1.119 grams of Marijuana, approximately .126 grams of Tetrahydrocannabinol (THC), approximately 10 milliliters of cannabidiols, and drug paraphernalia and on or about 29 August 2017, violated a lawful order from a commissioned officer by consuming alcohol.

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

(4) Legal Consultation Date: 13 December 2017

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 15 December 2017 / General
(Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 20 September 2016 / 4 years

b. Age at Enlistment / Education / GT Score: 20 / Completed One Semester College /
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c. Highest Grade Achieved / MOS / Total Service: E-3 / 68W10, Health Care Specialist
/ 1 year, 3 months, 28 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) A DA Form 4856 (Developmental Counseling Form) dated 10 August 2017, reflects the applicant received event oriented counseling for, on or about 30 July 2017, they were admitted to Madigan Army Medical Hospital due to events that took place while intoxicated. The Key Points states the applicant, on 30 July 2017 was admitted to the hospital due to suicidal ideations and behaviors while intoxicated. Their blood alcohol level was 0.257 percent. Due to the events that took place, along with their rehabilitation plan outlined by the Army Substance Abuse Program (ASAP), they were therefore order not to consume or possess alcohol at any time or in any form. The applicant agreed with the information and signed the form.

(2) A DA Form 4856, dated 29 August 2017, reflects the applicant received performance / professional developmental counseling. The Key Points of Discussion states the applicant has been their outpatient treatment for Behavioral Health and Substance Disorder Clinical Care and things were improving in the workplace. The applicant's physical training was getting better and mentally they were better in the work environment. Unfortunately, on 28 August the applicant relapsed during their treatment and once again ended up in Madigan with suicidal ideations. They disobeyed a direct order from a commissioned officer which is a big offense. The applicant agreed with the information and signed the form.

(3) A DA Form 4856, dated 11 October 2017, reflects the applicant received event oriented counseling for violation of Article 92 (Failure to Obey Order or Regulation), Uniform Code of Military Justice (UCMJ). The Key Points of Discussion states, on or about 29 August 2017, the applicant was found to be heavily intoxicated despite the direct order not to consume alcohol from their commanding officer. This was a direct violation of the "no drinking" order they did receive from a commissioned officer on 10 August 2017. Due to these events, they will be recommended for UCMJ action. The applicant signed agreed with the information and signed the form.

(4) Excerpts from the U.S. Army Criminal Division (CID) investigation consists of –

- CID Form 94 (Agent's Investigation Report) dated 29 August 2017, reflects the applicant's spouse admitted the Marijuana and Drug Paraphernalia found in the residence all belonged to them
- Sworn Statement dated 29 August 2017, the applicant's spouse stated "the marijuana belonged to me"
- U.S. District Court Violation Notice dated 29 August 2017, reflects the applicant's spouse as the named defendant with the offense of Simple Possession of Marijuana
- CID Form 94 dated 24 October 2017, reflects the investigator coordinated with Special Assistant United States Attorney, who stated probable cause existed to believe the applicant's spouse committed the offense of Simple Possession of Marijuana, no further investigative activity is required
- Statement of Probable Cause dated 30 October 2017, the officer states the investigator advised the applicant's spouse of their rights which they waived and admitted the Marijuana and Drug Paraphernalia that were found belonged to them [applicant's spouse]

(5) A DA Form 3822 (Report of Mental Status Evaluation) dated 19 October 2017, reflects the applicant has no duty limitations due to behavioral health reason, currently meets medical retention standards, and is cleared for administrative action.

(a) Section IV (Diagnoses) reflects no behavioral health diagnosis.

(b) Section V (Follow-Up Recommendations) reflects a follow-up has already been referred to Army Substance Abuse Program for evaluation.

(c) Section VI (Recommendations and Comment for Commander) the behavioral health provider states from a behavioral health perspective, the applicant meets the medical fitness standards as there is no indication of a boardable behavioral health disorder at this time.

(6) A DA Form 4856 dated 5 December 2017 reflects the applicant received notification of initiation of separation due to patterns of misconduct. The Key Points of Discussion states the applicant is being recommended for discharge under Army Regulation 635-200, paragraph 14-12c (Patterns of Misconduct). Due to their abuse of illegal drugs which were found in their on-post residence by Military Police, and also for disobeying a lawful order given to them by their company commander on 10 August 2017 on not consuming or possessing alcohol, it led the company commander to believe that this action is in the best interest for the applicant and the U.S. Army. In addition, the applicant will receive a Flag for initiation of separation. The applicant initialed that they understood everything covered in the counseling.

(7) A DA Form 268 (Report to Suspend Favorable Personnel Actions (Flag)) dated 5 December 2017, reflects the initiation of a flag against the applicant for involuntary separation, effective that day.

(8) A memorandum, Headquarters and Headquarters Company, 14th Brigade Engineer Battalion, 2nd Stryker Brigade Combat Team, 2nd Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs [Applicant], dated 11 December 2017, 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). On the same day, the applicant's acknowledgement of receipt of separation notice.

(9) On 13 December 2017, the applicant completed their election of rights signing they had been advised by consulting counsel of the basis for the contemplated action to separate them under Army Regulation 635-200, paragraph 14-12c (2), and its effects, of the rights available to them, and the effects of any action taken by them in waiving their rights. The applicant understood they may expect to encounter substantial prejudice in civilian life if a general (under honorable conditions) discharge is issued to them and they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They elected to not submit statements on their own behalf.

(10) A memorandum, Headquarters and Headquarters Company, 14th Brigade Engineer Battalion, 2nd Stryker Brigade Combat Team, 2nd Infantry Division, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct-Abuse of Illegal Drugs [Applicant], dated 14 December 2017, the applicant's company commander submitted a request to separate them from the Army prior to their expiration of their current term of service. The company commander states there was no record of other disciplinary action, including nonjudicial punishment. They do not consider it feasible or appropriate to accomplish other disposition as the applicant's blatant disregard for the chain of command, regulations and policies are incongruent with good order and discipline and they have done so despite multiple attempts to rehabilitate.

(11) A memorandum, Headquarters, 2nd Stryker Brigade Combat Team, 2nd Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs [Applicant], dated 15 December 2017, the separation authority having reviewed the separation packet of the applicant, directed the applicant be separated from the Army prior to the expiration of their current term of service, and their service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfer requirements, the separation authority determined the requirements are waived, as the transfer will serve no useful purpose or produce a quality, Soldier.

(12) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 17 January 2018, with 1 year, 3 months, and 28 days of net active service this period. The applicant did not complete their first full term of service. The DD Form 214 shows in –

- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKK [Misconduct (Drug Abuse)]
- item 27 (Reentry Code) – 4 [Nonwaiverable Disqualification]
- item 28 (Narrative Reason for Separation) – Misconduct (Drug Abuse)

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

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

(1) **Applicant provided:** Department of Veterans Affairs (VA) rating decision, reflected the applicant was rated 50 percent disability for major depressive disorder with anxious distress, with an effective date 18 January 2018.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces) of the United States)
- VA Letter, with pages 2 and 3 of their Rating Decision

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) Paragraph 1-16 (Counseling and Rehabilitative Requirements) stated Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. The rehabilitative transfer requirements in chapter 14 may be waived by the separation authority in circumstances where common sense and sound judgment indicate that such transfer will serve no useful purpose or produce a quality, Soldier.

(5) 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.

(6) 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 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)) dated 28 November 2016, provided 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.

h. Manual for Courts-Martial, United States (2019 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 acts of misconduct and was involuntary separation from the Army. 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 1 year, 3 months, and 17 day of net active service this period and did not complete their 4-year 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. The applicant's AMHRR does not reflect documentation of a diagnosis a mental health condition during their military service. The applicant provide their VA Rating Decision reflecting service connection for major depressive disorder with anxious distress.

e. 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: The applicant held in-service diagnoses of Adjustment Disorder with Anxiety and Depressed Mood, Depressive Disorder Unspecified, Alcohol Use Disorder, and likely Avoidant Personality Disorder. Post-service, he is service connected for MDD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant held in-service diagnoses of Adjustment Disorder with Anxiety and Depressed Mood, Depressive Disorder Unspecified, Alcohol Use Disorder, and likely Avoidant Personality 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 given documentation supporting the applicant's misconduct was secondary to his longstanding behavioral health conditions, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's Adjustment Disorder with Anxiety and Depressed Mood, Depressive Disorder Unspecified, Alcohol Use Disorder, and likely Avoidant Personality Disorder outweighed the applicant's misconduct and basis for separation (wrongfully possessed Marijuana, THC, cannabidiols, and drug paraphernalia, and violated a lawful order from an NCO by consuming alcohol).

b. Response to Contention(s):

(1) The applicant contends during the first year in the Army they had no problem or issues. They did their duties up until their spouse (now ex-spouse) started having severe mental health problems and diagnosed with severe personality disorder. At that time all they wanted was to do their job and keep their spouse safe, but every time they went to the field, their spouse was trying to hurt themselves (commit suicide). It all became too overwhelming for them, and they drank to make all the drama stop and to help them to cope with the situation. The board considered this contention during proceedings, but ultimately did not address the contention due to granting an upgrade based on the applicant's medical diagnoses that mitigated the applicant's misconduct (wrongfully possessed Marijuana, THC, and cannabidiols, and drug paraphernalia, and violated a lawful order from an NCO by consuming alcohol).

(2) The applicant contends they would still be in the Army had everything not snowballed out of control. They respectfully request a review of their service and grant their request. The board considered this contention during proceedings.

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AR20210009323

c. The board determined the discharge is inequitable based on the applicant's medical diagnoses which mitigate the applicant's misconduct (wrongfully possessed Marijuana, THC, cannabidiols, and drug paraphernalia, and violated a lawful order from an NCO by consuming alcohol). 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.

d. Rationale for Decision:

(1) The board voted to change the applicant's characterization of service to Honorable based on the applicant's medical diagnoses which outweigh the applicant's misconduct (wrongfully possessed Marijuana, THC, cannabidiols, and drug paraphernalia, and violated a lawful order from an NCO by consuming alcohol). Thus, the prior characterization is no longer appropriate.

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

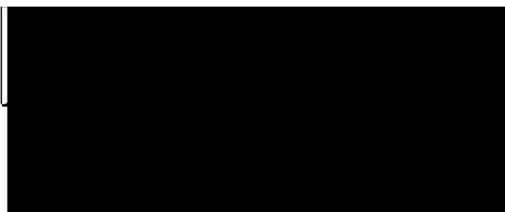
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: 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, paragraph 14-12a

Authenticating Official:

11/22/2024



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