

1. Applicant's Name: [REDACTED]

a. **Application Date:** 26 January 2021

b. **Date Received:** 20 August 2021

c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant Requests:** 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, a separation code change, and a reentry code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, to have been in an unfortunate situation at the time, both at work and at home. If the applicant had leadership who listened or if the applicant had understood the awesome facilities the Army had, the applicant would have been in a better position in their military career. After the applicant made the mistake, the applicant realized they could have gone outside their unit to seek help and not wait for their noncommissioned officers or officers to give the attention to their issues. The applicant has been in a better position since then. The applicant indicated post-traumatic stress disorder (PTSD) and other mental health conditions related to the request.

c. **Board Type and Decision:** In a records review conducted on 11 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's MDD mitigating the applicant's one-time marijuana use. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Misconduct (Drug Abuse) / AR 635-200, Paragraph 14-12c (2) / JKK / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 13 September 2019

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 14 August 2019

(2) **Basis for Separation:** The applicant was informed of the following reasons: Between 20 February 2019 and 20 March 2019, the applicant wrongfully used marijuana.

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

(4) **Legal Consultation Date:** 16 August 2019

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

(6) Separation Decision Date / Characterization: 22 August 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 22 August 2017 / 3 years, 25 weeks

b. Age at Enlistment / Education / GT Score: 18 / HS Graduate / 96

c. Highest Grade Achieved / MOS / Total Service: E-3 / 91H1O, Track Vehicle Repairer / 1 year, 7 months, 12 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AAM, NDSM, GWOTSM

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 1 April 2019, indicates the applicant tested positive for THC 121 (marijuana) during an Inspection Unit (IU) urinalysis testing conducted on 20 March 2019.

(2) Criminal Investigation Division (CID) Agent's Investigation Report, 15 April 2019, reflects the applicant tested positive for THC (marijuana) during a unit urinalysis conducted on 20 March 2019. The applicant was interviewed and admitted to consuming vape juice which contained THC from 20 February 2019 until on or about 14 March 2019, at the applicant's residence.

(3) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 5 July 2019, indicates the applicant was found to have wrongfully used marijuana between 20 February 2019 and 20 March 2019. The imposed punishment included a reduction to E-1, forfeiture of \$840 pay per month for two months, 45 days of extra duty and restriction, and an oral reprimand.

i. Lost Time / Mode of Return: None

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

(1) Applicant provided: Department of Veterans Affairs (VA) Combined Disability Rating, effective 14 September 2019, indicates the applicant received a 70 percent disability rating for major depressive disorder, single, moderate (also claimed as anxiety, PTSD); 100 percent combined.

(2) AMHRR Listed:

(a) Past Medical History, 23 April 2019, reflects the applicant was diagnosed with cannabis use, unspecified with unspecified cannabis-induced disorder; major depressive

disorder, single episode, unspecified; and adjustment disorder with mixed anxiety and depressed mood.

(b) Report of Mental Status Evaluation (MSE), 1 May 2019, indicates the applicant demonstrated the ability to understand and participate in administrative proceedings, appreciated the difference between right and wrong, and met medical retention requirements. PTSD and mTBI screenings were conducted. The applicant was diagnosed with substance use disorder, cannabis.

5. APPLICANT-PROVIDED EVIDENCE: Three Applications for the Review of Discharge; two VA rating decisions.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the 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. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

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

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

- RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(a) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(c) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(d) Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

(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) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(b) Paragraph 14-12c (2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation under paragraph 14-12a or 14-12b as appropriate.

(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. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, misconduct (drug abuse).

8. SUMMARY OF FACT(S): Standard of Review. 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, a separation code change, and a reentry code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The evidence shows the applicant's immediate commander initiated separation because the applicant wrongfully used marijuana. The immediate and intermediate commanders recommended separation with a general (under honorable conditions) character of service. The separation authority approved the recommendations.

c. Based on the applicant's AMHRR, someone in the discharge process erroneously entered "3" as the reentry code on the applicant's DD Form 214, block 27. The discharge packet confirms the separation authority approved the discharge due to misconduct (serious offense), with a general (under honorable conditions) characterization of service. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) establishes eligibility criteria, policies, and procedures for enlistment in the Regular Army, U.S. Army Reserve, and Army National Guard, in accordance with DODI 1304.26. Chapter 4 provides a person with prior service last discharged from any component of the U.S. Armed Forces for drug or alcohol abuse, or as rehabilitation failure during last period of service is a non-waivable discharge, meaning they are no longer eligible for reenlistment. The correct reentry code for non-waivable disqualifications is "4."

d. The applicant contends:

(1) The applicant's PTSD and other mental health conditions affected behavior, which led to the discharge, and the VA granted the applicant disability. The applicant provided medical documents, reflecting the applicant was diagnosed with major depressive disorder, single, moderate (also claimed as anxiety, PTSD). The VA rated the applicant 70 percent disabled for the condition; 100 percent combined. The applicant's AMHRR reflects the applicant had a past medical history of cannabis use, unspecified with unspecified cannabis-induced disorder; major depressive disorder, single episode, unspecified; and adjustment disorder with mixed anxiety and depressed mood. The applicant underwent a mental status evaluation on 1 May 2019, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The applicant was diagnosed with substance use disorder, cannabis. The separation authority considered the documents in the AMHRR.

(2) The applicant's leadership did not help the applicant with their issues. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

(3) The Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c (2), of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Drug or Alcohol Abuse)," as the narrative reason for discharge under this provision and assign the separation code "JKK." Army Regulation 635-8 (Separation Processing and Documents) governs how

officials prepare the DD Form 214. This regulation mandates that block 28 must list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason.

(4) The Army should change the SPD code. The SPD codes are three-character alphabetic combinations identifying reasons for and types of separation from active duty. The primary purpose of SPD codes is to provide a statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in collecting and analyzing separation data. The Office of the Secretary of Defense controls SPD codes and implements them in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c (2) is "JKK."

(5) The applicant requests a change to the reentry eligibility (RE) code. Soldiers processed for separation receive reentry codes based on their service records or discharge reasons. Army Regulation 601-210 assigns the RE codes. An RE Code of "3" requires a waiver before reenlistment. Recruiters can provide the best guidance on the Army's current needs and determine whether processing a waiver is appropriate.

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, Major Depressive Disorder, Anxiety Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** Adjustment Disorder and Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the service-connected symptoms existed prior to substance use and nexus between symptoms and self-medication, 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 MDD outweighed the marijuana use basis for separation for the aforementioned reason(s).

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends PTSD and other mental health conditions affected behavior, which led to the discharge, and the VA granted the applicant service-connected disability. The Board considered this contention and the applicant's assertion of PTSD, however the Board determined that there is insufficient evidence of said diagnoses in official or medical records,

and the applicant did not provide supporting documentation by a qualified medical professional to provide merit to the claim. However, the Board found that the applicant's supported MDD mitigated the marijuana use, and relief was warranted based on that condition.

(2) The applicant contends the leadership did not help the applicant with their issues. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's MDD outweighing the applicant's drug abuse basis for separation.

(3) The applicant contends the Army should change the narrative reason and SPD code for the discharge. The Board found evidence to support this contention, and relief to the narrative reason was approved.

(4) The applicant requests a change to the reentry eligibility (RE) code. The RE code will not change, as the mitigating condition is service-limiting. In addition, regulatory requirements include the RE-code for this separation should be RE-4, which would remove potential for future service, but someone input RE-3 during the discharge process so relief in regards to regulatory requirements has already been provided

d. The Board determined the discharge is inequitable based on the applicant's MDD mitigating the applicant's one-time marijuana use. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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.

e. Rationale for Decision:

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

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's MDD mitigated the applicant's marijuana use. Thus, the prior characterization is no longer appropriate.

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

(4) The RE code will not change, as the mitigating condition is service-limiting. In addition, regulatory requirements include the RE-code for this separation should be RE-4, which would remove potential for future service, but someone input RE-3 during the discharge process so relief in regards to regulatory requirements has already been provided.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210014239

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, paragraph 14-12a

Authenticating Official:

2/18/2026



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
FTR – Failure to Report

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