

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 July 2021**b. Date Received:** 4 August 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable and reinstatement of rank.

b. The applicant seeks relief contending, in effect, their PTSD may have contributed to the reason for discharge.

c. Board Type and Decision: In a records review conducted on 04 June 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length, to include combat service, the circumstances surrounding the discharge (OBHI and PTSD diagnoses), and post-service accomplishments. 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. The Board determined the reentry code is proper and equitable and voted not to change it.

*Please see **Board Discussion and Determination** section 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: 2 January 2012

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 18 October 2011

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant tested positive for marijuana.

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

(4) Legal Consultation Date: 19 October 2011

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 2 November 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 2 July 2008 / 5 years

b. Age at Enlistment / Education / GT Score: 38 / 4 years of College / 88

c. Highest Grade Achieved / MOS / Total Service: E-6 / 91B3O, Wheeled Vehicle Mechanic / 16 years, 11 months, 27 days

d. Prior Service / Characterizations: USNRS, 15 August 1991 – 8 September 2001 / HD
USNR, 9 September 2001 – 25 September 2003 /
GD

Break in Service
ARNG, 29 December 2005 – 6 March 2006 / HD

e. Overseas Service / Combat Service: SWA / Iraq (11 September 2009 – 14 August 2010)

f. Awards and Decorations: ARCOM, AAM, NAAM-2, AGCM, NGCM-3, NDSM-2, GWOTSM, AFSM-2, ICM-CS, NCOPDR-2, ASR, OSR, USN and USMC OSR-4, NSSDR-3

g. Performance Ratings: 2 May 2007 – 12 December 2010 / Fully Capable
21 January 2011 – 22 September 2011 / Marginal

h. Disciplinary Action(s) / Evidentiary Record:

(1) Two Developmental Counseling Forms, for insubordinate conduct toward a noncommissioned officer and failure to obey an order or regulation.

(2) Report to Suspend Favorable Personnel Actions (Flag), 2 April 2008, shows the applicant was flagged for adverse action (AA), effective 18 March 2008.

(3) FG Article 15, 16 April 2008, for failure to obey a lawful order issued by a noncommissioned officer on or about 19 March 2008. The punishment consisted of forfeiture of \$635 pay per month for 1 month (suspended); and extra duty for 14 days.

(4) Electronic Copy of Specimen Custody Document – Drug Testing, 23 August 2011, reflects the applicant tested positive for THC (marijuana), during an Inspection Unit (IU) urinalysis testing, conducted on 10 August 2011.

(5) Developmental Counseling Form, 31 August 2011, reflects the applicant tested positive on a urinalysis conducted on 10 August 2011.

(6) Two Report to Suspend Favorable Personnel Actions (Flag), 1 September 2011, reflects the applicant was flagged for adverse action (AA) and Involuntary separation/field initiated (BA), effective 31 August 2011.

(7) FG Article 15, 14 September 2011, for wrongfully using marijuana between on or about 11 July 2011 and 10 August 2011. The punishment consisted of a reduction from E-6 to E-5; forfeiture of \$500 pay per month for 1 month; and extra duty for 45 day; and an oral reprimand.

(8) Personnel Action form, 14 September 2011, reflects the applicant's reduction from E-6 to E-5, effective 14 September 2011.

(9) Report of Mental Status Evaluation, 16 September 2011, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mild TBI with negative results.

(10) Echo Company, Task Force Attack, memorandum, subject: Notification Procedures - Separation under AR 635-200, Chapter 14-12c (Commission of a Serious Offense), 18 October 2011, reflects the company commander notified the applicant of the intent to initiate separation action against the applicant for commission of a serious offense relating to testing positive for marijuana. A general (under honorable conditions) characterization of service was recommended.

(11) U.S. Trial Defense Service, memorandum, subject: Separation under AR 635-200, Chapter 14-12c, (Applicant), 19 October 2011, reflects the applicant elected to request consideration of the case before an administrative separation board.

(12) Headquarters, Task Force Poseidon, memorandum, subject: Separation under AR 635-200, Chapter 14-12c, (Applicant), 2 November 2011, reflects the separation authority directed the applicant be separated under AR 635-200, Chapter 14-12c, (Commission of a Serious Offense), with a general (under honorable conditions) characterization of service.

(13) Headquarters, Task Force 1-227th Aviation Regiment, memorandum, subject: Separation under AR 635-200, Chapter 14-12c, (Commission of a Serious Offense), 4 November 2011, reflects the battalion commander recommended a general (under honorable conditions) characterization of service.

(14) U.S. Trial Defense Service, memorandum, subject: Separation under AR 635-200, Chapter 14-12c, (Applicant), 18 November 2011, reflects the applicant elected to conditionally waive consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

(15) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had completed the first full term of service. The applicant was discharged on 3 January 2012 under the authority of AR 635-200, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse). The DD Form 214 was not authenticated with the applicant's electronic signature.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) **Applicant provided:** VA Rating Decision, 31 October 2013, reflects the applicant was rated 50 percent disabled for PTSD. Atlanta VA Medical Center Discharge Summaries for review.

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

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1).

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; GRPC Letter; Deployment Orders; VA Service Connected Compensation Letter; VA Rating Decision; Atlanta VA Medical Center Discharge Summaries; VA Benefits Letter.

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. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable

characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

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

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

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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 (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).

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.

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 and reinstatement of rank. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

a. The applicant's current DD Form 214 shows the applicant served 4 years, 8 months, and 8 days during which the applicant served 11 months and 4 days in Iraq. The applicant tested positive for marijuana and received a FG Article 15. The applicant's DD Form 214 shows the applicant was discharged on 3 January 2012 under the provisions of AR 635-200, Chapter 14, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse), with a characterization of service of general (under honorable conditions).

b. Based on the applicant's AMHRR, someone in the discharge process erroneously entered on the applicant's DD Form 214, block 25, "AR 635-200, Para 14-12c(2)." The discharge packet confirms the separation authority approved the discharge under the provisions AR 635-200, Chapter 14, Paragraph 14-12c, Commission of Serious Offense. Army Regulations state a Soldier separated under this provision will receive a narrative reason of Misconduct (Serious Offense), and a Separation Code of "JKQ."

c. The applicant contends their PTSD may have contributed to the reason for discharge. The applicant provided a VA Rating Decision for review.

d. The applicant requests their rank to be reinstated. The applicant's request does not fall within this board's purview. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using the enclosed DD Form 149 regarding this matter. A DD Form 149 may also be obtained from a Veterans' Service Organization.

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/experiences: PTSD (50%SC). [Note-diagnosis of Adjustment DO with depressed mood is subsumed under diagnosis of PTSD.]

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection of PTSD establishes nexus with active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating BH condition, PTSD. As there is an association between PTSD and self medication with alcohol and/or illicit drugs, there is a nexus between their diagnosis of PTSD and their wrongful use of marijuana.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's PTSD outweighed the wrongful use of marijuana.

b. Prior Decisions Cited: None

c. Response to Contention: The applicant contends their PTSD may have contributed to the reason for discharge. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's wrongful use of marijuana offense. Therefore, a discharge upgrade is warranted

d. The Board determined: By a 5-0 vote, the Board determined the applicant's discharge is inequitable based on full medical mitigation (PTSD) for the basis of separation and onetime THC use. The board unanimously voted to upgrade to HD/JKN with no change to the RE code due to BH diagnosis.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's misconduct of marijuana abuse. Thus, the prior characterization is no longer appropriate.

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(2) 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.

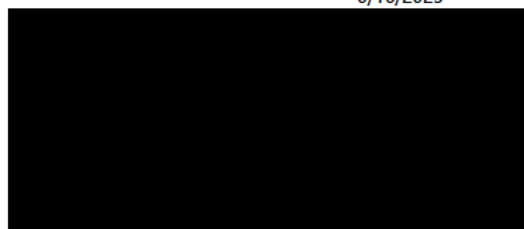
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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: No Change

Authenticating Official:

6/16/2025



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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs