

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 20 September 2021
- b. **Date Received:** 20 September 20, 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 under other than honorable conditions. The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, believes the discharge was unjust. The applicant pled guilty to two charges because they wanted to do the right thing and take responsibility for what happened. The judge showed the applicant leniency by reducing them to E-4 and 30 days confinement. The applicant has grown so much as a person and as a better leader to the Soldier's since the investigation. During the investigation the applicant came to work every day and acted as if nothing was wrong because they always kept it professional and put the mission first. The applicant realizes they were at fault for caring too much because they protected someone who they were close too. It compromised the applicant's position as a UPL because the applicant knew if the person was randomly selected to provide a urine sample, they would come out positive for marijuana. The applicant had done their time and has taken responsibility for what happened. The applicant had never been in trouble. The applicant loved the military and what it stands for and wishes they were still serving. The applicant deployed to Iraq and will never forget the experience. Since being discharged, the applicant has a good job in construction; however, hopes to have better job opportunities in the near future if the discharge is upgraded.

c. **Board Type and Decision:** In a records review conducted on 3 March 2026, and by a 3-0 vote, the Board determined that the characterization of service was too harsh based on the applicant's length and quality of service, to include combat service, overseas service, and post-service accomplishments combined with genuine remorse for faking document as a unit UPL, and as a result it is inequitable. However, the applicant's conduct did not meet the high standards of meritorious service required for an Honorable discharge. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. 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 (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / Under Other Than Honorable Conditions

b. **Date of Discharge:** 19 June 2021

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** The applicant was informed of the following reasons: The Commander's Report, 28 April 2021, reflects:

a. On or about 5 May 2020, the applicant gave multiple false official statements to Investigator J. G. by stating “I had no knowledge of anyone doing drugs in my unit, I did not obtain marijuana from K., I did not smoke marijuana with Sergeant J. C., and I was never asked to remove anyone from a urinalysis roster to prevent them from testing positive”; and

b. On or about 30 March 2020, the applicant wrongfully endeavor to impeded an adverse administrative proceeding by wrongfully marking Sergeant T. J. and Sergeant L. D. as unavailable on an E Company, 2d Squadron, 6th Cavalry Regiment urinalysis roster to keep Sergeant T. J. and Sergeant L. D. from providing a sample for a urinalysis.

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: 1 June 2021 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 25 August 2017 / 5 years

b. Age at Enlistment / Education / GT Score: 23 / High School Letter / 89

c. Highest Grade Achieved / MOS / Total Service: E-5 / 92F2O, Petroleum Supply Specialist / 6 years, 2 months, 6 days

d. Prior Service / Characterizations: RA, 14 April 2015 – 24 August 2017 / HD

e. Overseas Service / Combat Service: Hawaii, SWA / Iraq (24 August 2016 – 20 April 2017)

f. Awards and Decorations: ARCOM-2, AAM-2, AGCM, GWOTSM, ICM-CS, NCOPDR, ASR, OSR

g. Performance Ratings: 1 May 2018 – 2 October 2018 / Qualified
3 October 2018 – 2 October 2019 / Highly Qualified
3 October 2019 – 2 October 2020 / Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) The Commanders Report, 28 April 2021, reflects on September 2020, the applicant received a letter of reprimand for engaging in extramarital sexual conduct with another Soldier who was not the spouse.

(2) Statement of Trial Results, 28 April 2021, reflects the applicant was found guilty of the following:

Charge II: Violation of Article 107, UCMJ: The Specification: The applicant did at or near Wheeler Army Airfield, Hawaii, on or about 5 May 2020, with the intent to deceive, make to investigator J H. G., an official statement, to wit: The applicant had no knowledge of anyone

doing drugs in the unit, did not obtain marijuana from K., did not smoke marijuana with Sergeant J. T. C. and Sergeant J. P. G., and was never asked to remove anyone from a urinalysis roster to prevent them from testing positive, or words to those effects, which statements were totally false, and were then known by the applicant to be so false.

Charge IV: Violation of Article 131g, UCMJ: The Specification: The applicant did at or near Wheeler Army Airfield, Hawaii, on or about 30 March 2020, wrongfully endeavor to impede an adverse administrative proceeding by wrongfully marking the applicant, Sergeant T. M. J. and Sergeant L. R. D as unavailable on an E Company, 2d Squadron 6th Cavalry Regiment urinalysis roster to keep the applicant, Sergeant T. M. J. and Sergeant L. R. D. from providing a sample for urinalysis.

The applicant was sentenced to a reduction in rank to E-4 and 30 days of confinement.

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: None

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Online application; Certificate of Release or Discharge from Active Duty; honorable discharge certificate; unsworn statement; eight third-party statements; 15 certificates; Permanent Order# 130-021; NCO Evaluation Report.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has a good job in construction.

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 waivable. Eligibility: Ineligible unless a waiver is granted.

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 3-7a 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.

(b) 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.

(c) Paragraph 3-7c states 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) 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, states 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.

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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

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. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for misconduct (serious offense). The applicant's election of rights was NIF; however, the applicant was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of under other than honorable conditions for misconduct (serious offense).

c. The applicant's Army Military Human Resources Record (AMHRR) includes partial facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR does include a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of under other than honorable conditions.

d. The applicant contends the discharge was unjust. The applicant pled guilty to two charges because they wanted to do the right thing and take responsibility for their actions. During the investigation the applicant came to work every day and acted as if nothing was wrong because they always kept it professional and put the mission first. The applicant realizes they were at fault for caring too much because they protected someone who they were close too. It compromised the applicant's position as a UPL because the applicant knew if the person was randomly selected to provide a urine sample, they would come out positive for marijuana. The applicant did not submit evidence other than their statement to support the contention. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

e. The applicant contends good service, including a combat tour. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

f. The applicant contends an upgraded discharge would improve employment prospects. The Board does not grant relief to secure or enhance job opportunities.

g. The third-party statements provided with the application reflect the applicant's good character and hard work while serving in the Army.

h. The applicant has a good job in construction. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character

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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused or mitigated a discharge.

(2) Did the condition exist or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: **N/A**

c. Response to Contention(s):

(1) The applicant contends the discharge was unjust. The applicant pled guilty to two charges because they wanted to do the right thing and take responsibility for their actions. During the investigation the applicant came to work every day and acted as if nothing was wrong because they always kept it professional and put the mission first. The applicant realizes they were at fault for caring too much because they protected someone who they were close to. It compromised the applicant's position as a UPL because the applicant knew if the person was randomly selected to provide a urine sample, they would come out positive for marijuana. The applicant contends good service, including a combat tour. The applicant has a good job in construction. The Board considered this contention and determined that relief was warranted due to the applicant's length and quality of service, to include combat service, overseas service, and post-service accomplishments combined with genuine remorse for faking document as a unit UPL.

(2) The applicant contends an upgraded discharge would improve employment prospects. The Board considered this contention and determined that eligibility for Veteran's benefits does not fall within the purview of the Army Discharge Review Board. In addition, the Board does not grant relief solely to enable these benefits or to gain employment or enhance employment opportunities barring some other impropriety or inequity in the discharge process.

(3) The third-party statements provided with the application reflect the applicant's good character and hard work while serving in the Army. The Board considered this contention but determined a potential contradiction with a permanent LOR referencing an extramarital affair. Regardless, the Board voted that partial relief was warranted based on the totality of the applicant's service record.

d. The Board determined that the characterization of service was too harsh based on the applicant's length and quality of service, to include combat service, overseas service, and post-service accomplishments combined with genuine remorse for faking document as a unit UPL, and as a result it is inequitable. However, the applicant may request a telephonic personal appearance hearing to address further 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.

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 General, Under Honorable Conditions because the characterization of service was too harsh based on the applicant's length and quality of service, to include combat service, overseas service, and post-service accomplishments combined with genuine remorse for faking document as a unit UPL. Thus, the prior characterization is no longer appropriate.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the demonstrated disregard of responsibility as the unit UPL is a serious offense, thus the reason the applicant was discharged was both proper and equitable.

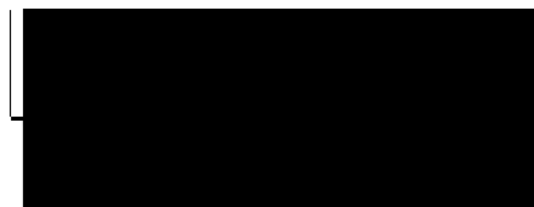
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** General, Under Honorable Conditions
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

3/11/2026



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