

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 19 September 2021
- b. **Date Received:** 20 September 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 and a narrative reason change.

b. The applicant request relief, contending, in effect, a challenging 15-month deployment resulted in severe mental health problems, which led to marijuana use as a means of easing anxiety and social difficulties. The applicant asserts, had the applicant's mental health concerns received appropriate attention, the applicant would still be serving as a productive member of the Army. The applicant stated the discharge was unfair given the commitment, sacrifices made in marriage, and the strain placed on relationships with the applicant's children.

c. **Board Type and Decision:** In a records review conducted on 9 October 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD mitigating the applicant's 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 / JKK / RE-4 / (General) Under Honorable Conditions

b. **Date of Discharge:** 27 May 2010

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 8 February 2010

(2) **Basis for Separation:** The unit commander notified the applicant, under AR 635-200, Chapter 14-12c, Commission of a Serious Offense, of the following reasons: The applicant tested positive for wrongful use of marijuana, a schedule I controlled substance on 17 February 2009 and 6 November 2009.

(3) **Recommended Characterization:** Under Other than Honorable Conditions

(4) **Legal Consultation Date:** 9 February 2010

(5) Administrative Separation Board:

(a) On 9 February 2010, the applicant waived consideration of the case by an administrative separation board contingent upon receiving a characterization of service no less than general (under honorable conditions).

(b) On 24 February 2010, the separation authority disapproved the applicant's conditional waiver and referred the case to an administrative separation board.

(c) On 5 May 2010, the administrative separation board recommended the applicant be separated from the Army with a general (under honorable conditions) discharge.

(6) Separation Decision Date / Characterization: On 13 May 2010, the separation authority approved the applicant's separation under AR 635-200, Chapter 14-12c, for committing a serious offense. / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 13 February 2008 / 6 years

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate/ 105

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 4 years, 10 months, 28 days

d. Prior Service / Characterizations: RA, 30 June 2005 – 12 February 2008 / HD

e. Overseas Service / Combat Service: SWA / Iraq (5 February 2007 – 15 April 2008)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Field Grade (FG) Article 15, 9 April 2009, reflects the applicant wrongfully used marijuana between 19 January and 17 February 2009. The punishment consisted of reduction to private E-1, a forfeiture of \$700 pay for 2 months, extra duty and restriction for 45 days, and an oral reprimand

(2) FG Article 15, 19 January 2010, reflects the applicant wrongfully used marijuana between 8 October and 6 November 2009. The punishment consisted of reduction to private E-1, forfeiture of \$699 pay for 2 months, suspended, to automatically remitted if not vacated before 17 July 2010, extra duty and restriction for 45 days, and an oral reprimand.

(3) Report of Mental Status Evaluation (MSE), 28 January 2010, reflects the applicant had the mental capacity to understand and participate in the proceedings and could appreciate the difference between right and wrong. The applicant was diagnosed with cannabis abuse (meets retention standards).

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 provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty.

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), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

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 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. It states:

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

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. 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) 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 and change of the narrative reason for separation. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant requests the narrative reason be changed. Based on the applicant's AMHRR, someone in the discharge process erroneously entered in 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." AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation

stipulates no deviation is authorized. There is no provision for any other reason or SPD code to be entered under this regulation.

c. The applicant contends a challenging 15-month deployment resulted in severe mental health problems, which led to marijuana use as a means of easing anxiety and the difficulties. The applicant asserts, had the applicant's mental health concerns received appropriate attention, the applicant would still be serving as a productive member of the Army. The applicant's AMHRR is void of a mental health diagnosis. The evidence reflects the applicant underwent a MSE on 28 January 2010, which reflects the applicant had the mental capacity to understand and participate in the proceedings and could appreciate the difference between right and wrong. The applicant was diagnosed with cannabis abuse. The applicant did not provide any evidence pertaining to a mental health diagnosis. The separation authority considered the MSE.

d. The applicant contends the discharge was unfair given the commitment, sacrifices made in marriage, and the strain placed on relationships with the applicant's children. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

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: VA service-connected PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** Applicant is service-connected for PTSD.

(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 nexus between PTSD and using substances for self-medication, the applicant's substance use 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 PTSD outweighed the listed basis for separation for the aforementioned reason(s).

b. Response to Contention(s):

(1) The applicant contends a challenging 15-month deployment resulted in severe mental health problems, which led to marijuana use as a means of easing anxiety and the difficulties. The applicant asserts, had the applicant's mental health concerns received appropriate attention, the applicant would still be serving as a productive member of the Army. The Board determined that this contention was valid and voted to upgrade the characterization of service due to PTSD mitigating the applicant's marijuana use.

(2) The applicant contends the discharge was unfair given the commitment, sacrifices made in marriage, and the strain placed on relationships with the applicant's children. The Board considered this contention about recognizing the totality of the applicant's service record and circumstances surrounding the misconduct during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's PTSD mitigating the marijuana use basis for separation.

c. The Board determined the discharge is inequitable based on the applicant's PTSD mitigating the applicant's 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.

d. 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 PTSD mitigated the applicant's misconduct of 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 current code is consistent with the procedural and substantive requirements of the regulation.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210015096

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:

 10/20/2025

Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15
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