

1. Applicant's Name: [REDACTED]

a. **Application Date:** 27 August 2021

b. **Date Received:** 31 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, separation code change, reentry code change and narrative reason change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, while in the Army, the applicant met with mental health providers several times and was receiving counseling due to the mistreatment received from leadership. Once the applicant began receiving mental health counseling, the treatment worsened. The tasks given made the applicant believe as though they did not like the applicant, they judged and treated the applicant different than before. As an E-4, the applicant was doing great and as soon as they began receiving mental health counseling and medication, their career in the Army began to be stifled and negatively impacted. While the applicant was in, they did use drugs; however, this was only in an attempt to try to treat their mental health, as the treatment the applicant was receiving from providers was ineffective and dismissive at times. Further complicating the applicant's mental health, was the treatment the applicant received from the leadership. The applicant is now service connected for major depressive disorder, receiving treatment, and is in a much better mental health state. The characterization continues to impact the applicant's job opportunities and other aspects of their life.

c. **Board Type and Decision:** In a records review conducted on 17 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, the circumstances surrounding the discharge (MDD), 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 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 are 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:** 15 June 2018

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 8 May 2018

(2) **Basis for Separation:** The applicant was informed of the following reasons: For Drug Abuse. The applicant was identified as a drug abuser because the applicant wrongfully digested Dextromethorphan Extended Release in Excess of prescribed dosage on or about 19 July 2015.

Also, between on or about 20 May 2017 and on or about 20 June 2017, the applicant wrongfully used D-Amphetamine/D-Methamphetamine.

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

(4) Legal Consultation Date: 10 May 2018

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 27 May 2018 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 22 August 2016 / NIF

b. Age at Enlistment / Education / GT Score: 23 / High School Graduate / 101

c. Highest Grade Achieved / MOS / Total Service: E-4 / 25U1O, Signal Support System Specialist / 5 years, 25 days

d. Prior Service / Characterizations: RA, 21 May 2013 – 21 August 2016 / HD

e. Overseas Service / Combat Service: Korea / None

f. Awards and Decorations: AAM, AGCM, NDSM, GWOTSM, KDSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, dated 15 February 2017, indicates on or about 15 December 2016, the applicant was found drunk while on duty as a Signal Support Systems Specialist. The imposed punishment included a forfeiture of \$540 pay, along with 14 days of extra duty and restriction.

(2) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, undated, indicates on or about 20 May 2017 and on or about 20 June 2017 the applicant wrongfully used D-Amphetamine/D-Methamphetamine. The imposed punishment included a reduction to E-2, forfeiture of \$896 pay per month for two months (suspended), along with 45 days of extra duty and restriction.

(3) (Electronic Copy of Specimen Custody Document – Drug Testing, 19 July 2017, indicates the applicant tested positive for COC 2300 (cocaine). DAMP 381 (D-Amphetamine) and DMETH 13606 (D-Methamphetamine) during an Inspection Random (IR) urinalysis testing conducted on 20 June 2017.

(4) Two Developmental Counseling Forms document instances of the applicant failed to be at the appointed place and a positive urinalysis test.

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: VA Rating Decision Letter, 26 March 2019, indicates the applicant was granted 50 percent service-connected disability for persistent depressive disorder with anxious distress to include polysubstance abuse disorders, (claimed as generalized anxiety disorder to include alcohol abuse and adjustment disorder with depressed mood).

(2) AMHRR Listed:

(a) Report of Mental Status Evaluation (MSE), 24 January 2018, indicates the applicant was cleared for any administrative actions the command deemed appropriate. 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, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was diagnosed with Psychoactive substance use disorder severe, adjustment disorder with mixed anxiety and depressed mood.

(b) Report of Medical History, 25 January 2018, the examining medical physician noted in the comments section: Anxiety Hx for inpatient BH.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge and VA Rating Decision 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. 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.

- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 3-7a 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.

(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.

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, separation code change, reentry code change and narrative reason change. 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 received notification of the intent to discharge them from the U.S. Army for Misconduct-Abuse of Illegal Drugs, the applicant requested consulting counsel and representation by military counsel and was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for misconduct, (drug abuse).

c. The applicant contends 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 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.

d. The applicant contends 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."

e. The applicant requests a change to the reentry eligibility (RE) code. Soldiers receive reentry codes during separation based on service records or discharge reasons. Army Regulation 601-210 assigns the applicant an RE code of "4," which is appropriate under the circumstances. An RE code of "4" remains ineligible for waiver, preventing reenlistment.

f. The applicant contends while in the Army, the applicant met with mental health providers several times and was receiving counseling due to the mistreatment received from leadership. Once the applicant began receiving mental health counseling, the treatment worsened. The tasks given made the applicant believe as though they did not like the applicant, they judged and treated the applicant different than before. As an E-4, the applicant was doing great and as soon as they began receiving mental health counseling and medication, their career in the Army began to be stifled and negatively impacted. The applicant provided no supporting evidence beyond their statement. The AMHRR includes no evidence the applicant sought assistance or reported the harassment. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

g. The applicant contends while in the Army, they did use drugs; however, this was only in an attempt to try to treat their mental health, as the treatment the applicant was receiving from providers was ineffective and dismissive at times. Further complicating the applicant's mental health, was the treatment the applicant received from the leadership. The applicant is now service connected for major depressive disorder, receiving treatment, and is in a much better mental health state. The applicant provided VA Rating Decision Letter, 26 March 2019,

which indicates the applicant was granted 50 percent service-connected disability for persistent depressive disorder with anxious distress to include polysubstance abuse disorders, (claimed as generalized anxiety disorder to include alcohol abuse and adjustment disorder with depressed mood). The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 24 January 2018, which indicates the applicant was cleared for any administrative actions the command deemed appropriate. 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, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was diagnosed with Psychoactive substance use disorder severe, adjustment disorder with mixed anxiety and depressed mood. Report of Medical History, 25 January 2018, the examining medical physician noted in the comments section: Anxiety Hx for inpatient BH. The separation authority considered all the medical documents in the AMHRR.

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

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: MDD, Anxiety Disorder, GAD, Adjustment Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found Applicant is 60% SC with 50% SC for MDD (June 2018).

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that the applicant misconduct was influenced by their mental health conditions. The applicant admits to using drugs as a means to treat their mental health. This assertion of coping with mental health concerns with NyQuil and alcohol is present throughout their in-service medical records. In a sworn statement dated 28 July 2015, a member of the unit who escort them to the ER stated that the applicant told them they "took the medicine to make [them] feel better around the people [they] worked with." The applicant is 60% SC with 50% SC for MDD. Given the nexus between Major Depressive Disorder and misusing substances as a form of self-medication, the BoS is medically mitigated when applying liberal consideration.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that MDD outweighed the basis of separation.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends while in the Army, the applicant met with mental health providers several times and was receiving counseling due to the mistreatment received from leadership. Once the applicant began receiving mental health counseling, the treatment

worsened. The tasks given made the applicant believe as though they did not like the applicant, they judged and treated the applicant different than before. As an E-4, the applicant was doing great and as soon as they began receiving mental health counseling and medication, their career in the Army began to be stifled and negatively impacted. 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 Major Depressive Disorder outweighing the applicant's alcohol and drug related offenses.

(2) The applicant contends while in the Army, they did use drugs; however, this was only in an attempt to try to treat their mental health, as the treatment the applicant was receiving from providers was ineffective and dismissive at times. Further complicating the applicant's mental health, was the treatment the applicant received from the leadership. The applicant is now service connected for major depressive disorder, receiving treatment, and is in a much better mental health state. The Board liberally considered this contention and determined that it was valid due to the applicant's Major Depressive Disorder outweighing the applicant's alcohol and drug related offenses. Therefore, a discharge upgrade is warranted.

(3) The applicant contends an upgraded discharge would improve employment prospects. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (MDD) mitigates the basis of separation (misusing substances as a form of self-medication) and warrants a change to the character and narrative reason for separation. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable. The Board voted to retain the reentry code based on the medical diagnosis.

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 Major Depressive Disorder outweighed the applicant's misconduct of misusing substances as a form of self-medication. 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.

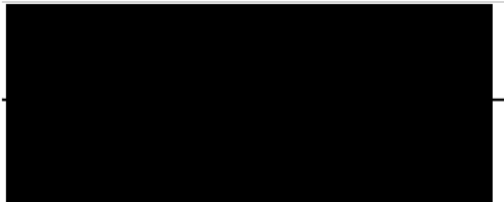
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

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