

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 July 2021**b. Date Received:** 26 July 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 Under Other than Honorable Conditions. The applicant requests an upgrade to Honorable and a narrative reason change.

b. The applicant seeks relief contending, the admittance of limited use urinalysis, improper conduct by the Recorder during the board proceedings, introduction of limited use evidence, failure to provide notice of evidence presented, ex parte communication between the recorder, the approval authority, and legal reviewer, and the applicant has cluster headaches and Major Depressive Disorder onset by medication potentially contributed to their having self-medicated and dependency. A self-authored statement provides additional details for consideration.

(1) Defense counsel for their separation contends an upgrade to Honorable for the applicant due to the procedural errors and injustice in the process and result. The Board Recorder conducted a formal ex-parte communication with both the attorney who conducted the legal review and the approval authority regarding the merits of the separation. After the Board concluded, counsel submitted a memorandum on 25 July 2017 highlighting legal errors in the process prior to the action being approved in accordance with AR 635-200. See Enclosure 2 (Separation Packet). Unbeknownst to counsel, the Recorder formally responded to their memo with a memo of their own dated 29 July 2017, which was provided to the legal advisor prior to the review of the separation and to the approval authority – as it was indicated in the Index to the separation action and the dates of the memos. Counsel was not aware of this memo until after the approval authority approved the separation and they received a full copy of the file.

(a) The Recorder's ex-parte memo constitutes continued advocacy to both the legal advisory and the approval authority. As such, their conduct was improper under AR 635-200 and casted substantial doubts on both the legal review and the actions of the approval authority. The Recorder referenced documentary evidence that was not presented to the Board (Commander's Inquiry) in support of their view of the facts in this case and their argument to approve the board's findings and recommendations. This commander's inquiry was not a piece of evidence that was admitted to the board. Therefore, the actions of legal reviewer and approval authority in relying on the additional evidence was improper. Moreover, in the ex-parte document, the Recorder mocked the applicant's previous suicide attempt by placing quotation marks around the word, suicidal. The Recorder attempted to justify their actions in presenting evidence about the type of drug used in attempt by claiming that their relationship with drugs while in the Army were relevant to their characterization of service. However, this was completely irrelevant and dissimilar to the misconduct that they were charged with.

(b) In the proceeding, the Recorder asked the applicant a series of irrelevant, degrading, and prejudicial questions which can be seen on pages 17-18 of the transcripts. They were a survivor of a suicide attempt in which they took an overdose of medication that was prescribed to them for premature ejaculation. When the Recorder asked the applicant about the suicide attempt, and also asked them a question about the type of drug used, counsel objected to the relevance of the question, the Recorder argued to the Board that the applicant was taking

a medication for a sexual condition while their spouse was away at Air Force Basic Training – implying that the applicant was committing adultery. Even though the objection was sustained by the Board President, the questioning and implications were extremely prejudicial and not even remotely relevant. The questions, objections, and rationale provided by the Recorder can be seen in the transcripts.

(c) During the Board proceeding, the applicant's spouse, began answering questions, and the Recorder immediately stood up, walked around to the table where the spouse was sitting at, and took the microphone and the microphone stand and moved it all the way across the table to mere inches away from the spouse's face. The Recorder did this without being prompted by the paralegal who was monitoring the audio levels or by the Board members. What appeared to counsel, was the Recorder's attempt to make testifying as uncomfortable as possible for the spouse. This action, coupled with the other conduct mentioned above, conveyed the impression that the Government was not interested in a fair proceeding against the applicant, but only in getting the result they were after.

(d) During the Board proceeding, the Recorder introduced portions of the applicant's AMHRR as evidence against them. The applicant was not given notice of these documents intended use against them at the Board and it was not until after the hearing that the Recorder provided the AMHRR to the Defense (sent to counsel 24 July 2017, 5 days after the hearing). During the questioning of one of Government's witnesses, the Recorder asked pinpoint questions from the document and had a witness specifically read out an answer on the SF 86 regarding the applicant's answers about illegal drug use prior to joining the military. The questioning by the Recorder was outside the relevance of the hearing as the applicant was not being considered for separation due to alleged fraudulent enlistment. Even though the objections were sustained, the prejudice from the questions remained. Additionally, because the applicant was not served with a copy of the AMHRR prior to the board, counsel was not prepared to respond to inferences raised by the Recorder of both fraudulent enlistment and drug use prior to joining the military.

(2) The Recorder admitted Enclosure X, which included limited use evidence. While the urinalysis test result on 28 October 2016, was negative, they were still taken as a rehabilitative test and, as such, is protected as limited use. Therefore, because the Government introduced limited use evidence after the Board convened, the applicant's characterization of service should be upgraded to Honorable.

c. Board Type and Decision: In a records review conducted on 24 October 2025, and by a 3-0 vote, the Board determined that the characterization of service was inequitable. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. *Please see **Board Discussion and Determination** section for more detail regarding the Board's decision.*

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / AR 635-200, Chapter 14-12c (2) / JKK / RE-4 / Under Other than Honorable Conditions

b. Date of Discharge: 24 August 2017

c. Separation Facts:

(1) Date of Notification of Intent to Separate: Undated

(2) Basis for Separation: On divers occasions, between 7 September – 7 October 2016, the applicant wrongfully used marijuana (THC), possessed, and introduced some amount of marijuana onto an installation used by the Armed Forces or under the control of the Armed Forces (Pulaski Barracks, Germany), wrongfully distributed some amount of marijuana, and wrongfully allowed an unlicensed driver to operate their privately owned vehicle.

(3) Recommended Characterization: Under Other than Honorable Conditions

(4) Legal Consultation Date: 4 April 2017

(5) Administrative Separation Board: On 19 July 2017, the Administrative Separation Board, having carefully considered the evidence, found the misconducts above to be supported by a preponderance of the evidence and recommended the applicant be separated from the United States Army with a characterization of service of Under Other than Honorable Conditions.

(6) Separation Decision Date / Characterization: 15 August 2017 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 1 June 2015 / 4 years

b. Age at Enlistment / Education / GT Score: 17 / Bachelor's Degree / 120

c. Highest Grade Achieved / MOS / Total Service: E-3 (PFC) / 68J10 Medical Logistical Specialist / 2 years, 2 months, 24 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany / None (1 year, 9 months, 28 days)

f. Awards and Decorations: National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: On 1 June 2015, the applicant enlisted in the Regular Army for 4 years as a private, PVT (E-1). The Enlisted Record Brief provides on 12 August 2015; they promoted to private second class, PV2 (E-2); and on 1 June 2016, to private first class, PFC (E-3). On 8 October 2016, they were detained for failure to obey order or regulation (Article 92, UCMJ), allowing an unlicensed person to operate a government vehicle without a driver's license and released to their unit.

(1) On 12 December 2016 and 30 January 2017, the applicant was flagged, Suspend Favorable Personnel Actions (FLAG), for involuntary separation (BA) and drug abuse adverse action (UA). On 14 November and 30 December 2016, the Army Substance Abuse Program (ASAP) Coordinator, informed the command of the applicant's two positive urinalyses for marijuana (THC) collected on 8 October and 28 November. It provided the required actions IAW AR 600-85, such as notifying local CID, refer the Soldier to Behavioral Health for evaluation/assessment within five duty days; initiating their FLAG; and to comply with regulatory

guidance AR 635-200.

(2) On 5 January 2017, the applicant received nonjudicial punishment (NJP) in violation of Articles 92, (failure to obey a lawful general order) and three specifications of 112a, (wrongful use of a schedule I controlled substance) UCMJ. Their punishment imposed a reduction to PV2; forfeiture of \$878 pay per month for two months, suspended for six months; extra duty for 45 days; and oral reprimand. Additionally, on 20 March 2017, they received NJP for Article 112a, UCMJ and was consequently demoted to PVT; forfeitures of \$799 pay; 45 days of restriction; and oral reprimand.

(3) On 31 January 2017, the applicant completed a medical examination at Occupational Health Service, Landstuhl Regional Medical Center (LRMC), Germany and was qualified for separation. Although undated, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14-12c (2), Misconduct (Drug Abuse), for the above listed in **3c (2)**. On 3 April 2017, the applicant acknowledged receipt of their separation notice and a day later, elected to consult with legal, to appear before administrative separation board, and declined to submit a statement on their behalf.

(4) A Report of Proceedings, dated 19 July 2017, provides the administrative separation board reviewed the applicant's case and found the allegations were supported by a preponderance of evidence with a recommendation to separate them with an Under Other than Honorable Conditions characterization of service, in which the staff judge advocate and the administrative law attorney concurred with; the separation authority approved on 15 August 2017. Two days later, their separation orders were issued and a DD Form 214 (Certificate of Release or Discharge from Active Duty) provides they were discharged accordingly on 17 August 2017, with 3 years, 2 months, and 2 days of total service. The applicant was unable to provide an electronic signature and had not completed their first full term of service.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): Alcohol Dependence, Uncomplicated; Adjustment Disorder, Unspecified

(1) **Applicant provided:** The applicant provided emergency room medical records dated 3 September 2016. Additionally, they provided Landstuhl Embedded BH treatment records, dated between 4 September 2016 – 10 July 2017 which identified the above diagnoses.

(2) **AMHRR Listed:** On 12 January 2017, a mental status evaluation was completed at LRMC, Germany, which diagnosed them with the above. The BH provider noted the applicant's SUDCC (Substance Use Disorder Clinical Care) enrollment and psychiatrically cleared them for administrative proceedings.

5. APPLICANT-PROVIDED EVIDENCE: ACTS Online Application; Medical Documents; Defense Counsel Memorandum; Associates Degree Transcript; Self-Authored Statement; Two character letters from their former leadership contends, the applicant stood out to them because of their respectful, hardworking demeanor and their willingness to go above and beyond expectations to provide quality customer service. They were outstanding in the supply chain management branch and had potential for future service.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has constantly been improving themselves and has been a model citizen. They have earned a degree in Business Management and

continuing their education to obtain another degree in Mathematics. The applicant has held a position working for a corporation as a DoD contractor. Additionally, they are an associate real estate broker and volunteers within their community with their spouse's military leadership.

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), 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.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 3 provides 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.

(a) 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.

(b) 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. 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.

(3) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

e. 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 14-12c (2), 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.

g. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

(1) Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement. ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

(2) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(3) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

(5) A Soldier is entitled to an honorable characterization of service if limited-use evidence (see AR 600-85, chap 6) is initially introduced by the Government in the discharge proceedings, and the discharge is based upon those proceedings. The separation authority will consult with the servicing Judge Advocate in cases involving limited use evidence.

h. Manual for Courts-Martial (2016 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 92 (failure to obey a lawful general order) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for two years. Article 112a (wrongful use of a schedule I controlled substance) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for two years.

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 a 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 provides the applicant enlisted in the RA, promoted to PFC, and served for 1 year, 6 months, and 11 days prior to being flagged for involuntary separation. They received two NJPs for failure to follow a lawful regulation (Article 92) and four specifications of wrongful use, possession, and unlawful distribution of marijuana (Article 112a, UCMJ). Their punishments imposed a reduction to the PVT. Separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12c (2), Misconduct (Serious Offense) with an Under Other than Honorable Conditions characterization of service, although the battalion commander recommended a General (Under Honorable Conditions).

(1) The applicant requested to appear before an administrative separation board, elected to consult with counsel, and decline to provide a statement on their behalf. Defense counsel advised them of the possible effects of their separation and the rights available to them. The board found a preponderance of evidence supported the above allegations and recommended separation with an Under Other than Honorable Conditions characterization of service, in which the separation authority approved. They served 2 years, 2 months, and 24 days of their 4-year contractual obligation.

(2) The applicant provided emergency room medical records dated 3 September 2016. Additionally, they provided Landstuhl Embedded BH treatment records, dated between 4 September 2016 – 10 July 2017 which identified the following diagnoses: Alcohol Dependence, Uncomplicated; Adjustment Disorder, Unspecified. A mental status evaluation was completed and the BH provider noted the applicant's SUDCC enrollment and psychiatrically cleared them for administrative proceedings.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is 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.

d. 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, Mood Disorder (Depression), various Adjustment Disorders

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is SC for PTSD and diagnosed with Mood Disorder and various Adjustment Disorders.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that a review of the available information shows the applicant has BH conditions that partially mitigates his misconduct as outlined in the BoS. He is 70 percent SC for PTSD and has a post-service diagnosis of Mood Disorder (depression). Additionally, he has in-service diagnoses of Adjustment Disorder w/Mixed Disturbance of Emotion and Conduct and Adjustment Disorder Unspecified. Given the nexus between the applicant's conditions of PTSD and Mood Disorder and using substances to self-medicate, the applicant misconduct characterized by wrongful use of marijuana is mitigated. His misconduct of allowing an unlicensed person to operate his POV is summarily mitigated given the decision was made during an inebriated state. However, his misconduct characterized by introducing marijuana onto an installation and distribution of marijuana is not mitigated as it is not natural sequela of either of his BH condition. While possession of marijuana is typically mitigated when shown to be for personal use, in the current instance, possession is not mitigated given the applicant distributed the drugs to others. Finally, although the applicant self-asserts a belief that his misconduct was related to SSRI-Induced Activation Syndrome, there is nothing in the medical records to support his assertion and he provided no supporting medical documentation. Given most the applicant's misconduct is not

mitigated by his BH conditions, upgrade based on medical mitigation is not supported.

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

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant seeks relief contending, the admittance of limited use urinalysis, improper conduct by the Recorder during the board proceedings, introduction of limited use evidence, failure to provide notice of evidence presented, ex parte communication between the recorder, the approval authority, and legal reviewer, and the applicant has cluster headaches and Major Depressive Disorder onset by medication potentially contributed to their having self-medicated and dependency. Defense counsel contends the above mentioned contentions listed in section **2b (1-2)**. Moreover, two character letters from their former leadership contends, the applicant stood out to them because of their respectful, hardworking demeanor and their willingness to go above and beyond expectations to provide quality customer service. They were outstanding in the supply chain management branch and had potential for future service.

The Board acknowledged and considered this contention during proceedings.

d. The Board determined that the characterization of service was inequitable. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. However, the applicant may request a 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) The Board determined the discharge was inequitable and voted to grant relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions). The applicant is 70 percent Service Connected for PTSD and has a post-service diagnosis of Mood Disorder (depression). The applicant's in-service diagnoses of Adjustment Disorder with Mixed Disturbance of Emotion and Conduct and Adjustment Disorder Unspecified are mitigating. Given the nexus between the applicant's conditions of PTSD and Mood Disorder and using substances to self-medicate, the applicant's misconduct characterized by wrongful use of marijuana is mitigated. The applicant's additional misconduct that includes introducing marijuana onto an installation and distribution of marijuana is not medically mitigated, as it is not natural sequela of the applicant's Behavioral Health conditions. Therefore, the Board voted not to change the applicant's narrative reason for separation or SPD code. The Board determined the reentry code is proper and equitable and voted not to change it.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as the reason the applicant was discharged was both proper and equitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210015897

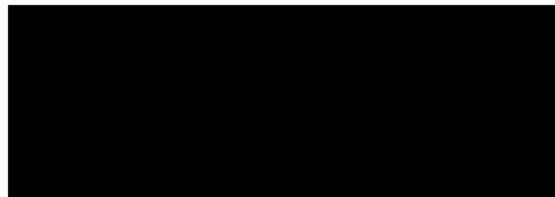
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** 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:

11/18/2025



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

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