

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 23 June 2021**b. Date Received:** 12 July 2021**c. Counsel:** [REDACTED]**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, through counsel, an upgrade to honorable along with a separation program designator (SPD) code and a narrative reason change.

The applicant's counsel seeks relief contending, in effect, at the time of the drug use and subsequent discharge, the applicant was clearly struggling with the effects of mental health problems and the applicant made it known that the applicant had been feeling depressed and hopeless for several days over the past month prior to completing the Post-Deployment Health Assessment (PDHA) and the applicant voluntarily enrolled and completed the Joint Substance Abuse Program (JSAP). The applicant had honorable service and earned multiple awards.

**b. Board Type and Decision:** In a records review conducted on 15 January 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (Other Trauma and Stressor Related DO). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to match the new narrative reason for separation to Minor Disciplinary Infractions/Minor Misconduct, 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 Section 9 of this document for more detail regarding the Board's decision.*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Use of Illegal Drugs / AR 135-178, Chapter 12-1d / JKK / RE-4 / Under Other Than Honorable Conditions

**b. Date of Discharge:** 30 July 2013**c. Separation Facts:****(1) Date of Notification of Intent to Separate:** 25 August 2011

**(2) Basis for Separation:** The applicant was informed of the following reasons: A positive urinalysis containing the illegal substance cocaine.

**(3) Recommended Characterization:** Honorable**(4) Legal Consultation Date:** 25 August 2011

**(5) Administrative Separation Board:** On 11 February 2012, the board found the applicant did engage in misconduct consisting of the Abuse of illegal drugs and the applicant violated the accepted standards of personal conduct found in the UCMJ, Army Regulations, the civil law, and the time-honored traditions of the Army. The evidence supports the allegation of the applicant engaged in misconduct and the applicant was unqualified for further military service. The applicant unanimously recommended the applicant be separated with an under other than honorable conditions characterization of service.

**(6) Separation Decision Date / Characterization:** 25 June 2013 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 25 February 1999 / 4 years (ARNG) (The applicant extended for 3 years on 31 March 2011)

**b. Age at Enlistment / Education / GT Score:** 35 / HS Graduate / NIF

**c. Highest Grade Achieved / MOS / Total Service:** E-7 / 92A10, Automated Logistic Specialist / 23 years, 7 months, 4 days

**d. Prior Service / Characterizations:** ARNG, 24 March 1999 – 30 July 2013 / UOTHC  
 ARNG, 27 December 1989 – 11 February 1991 / HD  
 RA, 10 January 1990 – 25 May 1990 / UNC  
 (Concurrent Service) (IADT)  
 RA, 12 February 1991 – 23 March 1999 / HD  
 RA, 20 July 2001 – 28 February 2002 / HD  
 (Concurrent Service)  
 RA, 1 February 2009 – 1 March 2010 / HD  
 (Concurrent Service)

**e. Overseas Service / Combat Service:** SWA / Iraq (30 April 2009 – 17 January 2010)

**f. Awards and Decorations:** ARCOM-3, AAM-5, AGCM-4, ARCAM, NDSM-2, AFEM, HSM-2, AFRM-M-Device., NCOPDR-3, ASR, ARCOTR, GWOTSM, GWOTSEM, ICM-CS-2, SWASM

**g. Performance Ratings:** 12 November 2009 – 11 November 2010 / Fully Capable  
 12 November 2010 – 11 November 2010 / Marginal  
 12 November 2011 – 11 November 2011 / Marginal

**h. Disciplinary Action(s) / Evidentiary Record:** NIF

**i. Lost Time / Mode of Return:** None

**j. Behavioral Health Condition(s):**

**(1) Applicant provided:** None

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 293, Counsel's Brief with 20 exhibits (31 total pages)

**6. POST SERVICE ACCOMPLISHMENTS:** None submitted with the application.

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

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

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

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

severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

**c.** Army Regulation 15-180 (Army Discharge Review Board), 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 135-178 prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

**(1)** Paragraph 2-9a prescribes an honorable characterization is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

**(2)** Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

**(3)** Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances.

**(4)** Chapter 11 (previously Chapter 12) 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, and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

**(5)** Paragraph 11-1d, prescribes illegal drug use is serious misconduct. Discharge action normally will be based upon commission of a serious offense. However, relevant facts may mitigate the nature of the offense. Therefore, a single drug offense may be combined with one or more disciplinary infractions or incidents or other misconduct and processed for discharge.

**(6)** Paragraph 11-8 states an under other than honorable conditions discharge is normally considered appropriate; however, a general (under honorable conditions) or an honorable discharge may be granted.

**(7)** Chapter 13 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.

d. 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, paragraph 12c(2), misconduct (drug abuse).

**8. SUMMARY OF FACT(S):** The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests applicant requests, through counsel, an upgrade to honorable along with an SPD code 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.

The applicant's counsel requests the applicant's narrative reason and SPD code be changed. The applicant was separated under the provisions of AR 135-178, Chapter 12, paragraph 12-1d, with an under other than honorable conditions discharge, RE code of "4", and an SPD code of "JKK." The narrative reason specified by Army Regulations for a discharge under this chapter is "Misconduct-Abuse of Illegal Drug." Army Regulation 635-8, Separation Documents governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28 of the form.

The applicant's counsel contends at the time of the drug use and subsequent discharge, the applicant was clearly struggling with the effects of mental health problems and the applicant made it known that the applicant had been feeling depressed and hopeless for several days over the past month prior to completing the PDHA and the applicant voluntarily enrolled and completed the JSAP. The applicant's AMHRR is void of a mental health diagnosis. The applicant's counsel does not provide any evidence reflecting a mental health diagnosis.

The applicant's counsel states the applicant had honorable service and earned multiple awards. The Board will consider the applicant service accomplishments and the quality of service according to the DODI 1332.28.

Based on the applicant's AMHRR, someone in the discharge process erroneously entered on the applicant's DD Form 214, block 26, "JKK." The discharge packet confirms the separation authority approved the discharge under the provisions of AR 135-178, Chapter 12, paragraph 12-1d. Soldiers processed for misconduct under these provisions are not assigned a SPD code.

#### **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: Other Trauma and Stressor-Related Disorder. [Note: VA diagnoses of Depressive DO and Anxiety DO, unspecified are not service connected and do not fall under liberal consideration guidelines.]

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that there is a nexus between the diagnosis of Other Trauma and Stressor-Related DO and applicant's military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that it is more likely than not that the applicant was suffering from a trauma-related condition related to combat such as Other Specified Trauma and Stressor-Related Disorder at the time of his drug use. As there is an association between Other Specified Trauma and Stressor-Related DO and self-medication with alcohol and/or illicit drugs, there is a nexus between this condition and his wrongful use of cocaine.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's condition or experience outweighed the listed basis for separation for the aforementioned reason(s).

b. Prior Decisions Cited: None

c. Response to Contention: The applicant's counsel contends at the time of the drug use and subsequent discharge; the applicant was clearly struggling with the effects of mental health problems and the applicant made it known that the applicant had been feeling depressed and hopeless for several days over the past month prior to completing the PDHA and the applicant voluntarily enrolled and completed the JSAP.

The Board acknowledged this contention and considered it valid.

d. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (Other Trauma and Stressor Related DO). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

e. Rationale for Decision:

(1) 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 considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found sufficient evidence of in-service mitigating factors (Length, Combat, Quality) and concurred with the conclusion of the medical advising official that it is more likely than not that the applicant was suffering from a trauma-related condition related to combat trauma such as Other Specified Trauma and Stressor-Related Disorder at the time of his drug use. As there is an association between Other Specified Trauma and Stressor-Related DO and self-medication with alcohol and/or illicit drugs, there is a nexus between this condition and his wrongful use of cocaine. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable, thus recommending an upgrade to Honorable.

(2) The Board voted to change the reason for discharge to Minor Disciplinary Infractions/Minor Misconduct under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Minor Disciplinary Infractions/JKN
- d. Change RE Code to: No change
- e. Change Authority to: AR 635-200

**11. BOARD ACTION DIRECTED:**

- a. Issue a New NGB Form 22a: Yes
- b. Change Characterization to: Honorable
- c. Change Reason: Minor Misconduct
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

**Authenticating Official:**

10/22/2025

**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