

1. Applicant's Name: [REDACTED]**a. Application Date:** 12 August 2021**b. Date Received:** 17 August 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to honorable and a change of the narrative reason for separation.

(2) The applicant seeks relief contending, at the time of their discharge they were suffering from severe effects of Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) due to injuries sustained during combat operations. They made a one-time indiscretion and attempted to self-medicate using prescription medication they were not prescribed at the time; the medication was expired. At the time there was a zero-tolerance policy for any alcohol or drug infractions, and they were subsequently discharged for misconduct.

(3) They feel they were improperly treated for their medical conditions and did not receive the appropriate medical care to deal their PTSD and TBI. The nature of their discharge has been a terrible burden which has impacted many aspects of their life, including job prospects and education benefits. They also deal with the stigma that has led to overwhelming feelings of guilt and shame for failing their comrades who died alongside them in combat. They endured horrific combat and was wounded in action during their deployment only to be thrown aside by the U.S. Army and unceremoniously discharged without the proper medical treatment. They have attached a letter from their treating physician at the time as well as the improperly conducted administrative separation mental health screening.

b. Board Type and Decision: In a records review conducted on 28 March 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 as well as the circumstances surrounding the discharge (OBHI and PTSD diagnoses). 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). The Board determined the reentry code is proper and equitable and voted not to change it

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / Army Regulations 635-200, Paragraph 14-12c(2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 12 November 2013**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 23 August 2013

(2) Basis for Separation: wrongfully used Amphetamine between on or about 1 February 2013 and 3 February 2013

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

(4) Legal Consultation Date: 16 September 2013

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 31 October 2013

4. SERVICE DETAILS:

a. Date / Period of Reenlistment: 12 July 2012 / 3 years

b. Age at Enlistment / Education / GT Score: 30 / HS Graduate / 124

c. Highest Grade Achieved / MOS / Total Service: E-5 / 11B1O, Infantryman / 3 years, 9 months, 24 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (25 April 2011 – 17 April 2012)

f. Awards and Decorations: ACM-2CS, PH, ARCOM, NATOMDL, AGCM, NDSM, GWTSM, NCOPDR, ASR, OSR-2

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 3349 (Physical Profile) dated 8 May 2013, reflects the applicant temporary profile with an expiration of 6 August 2013. Their medical conditions are shown as Depression and PTSD. The Profiling Officer states the applicant has been having ongoing exacerbation of chronic depression and PTSD symptoms to the degree that they do not appear retainable from a behavioral health standpoint. This condition is not expected to improve while in the Army. They appear at the Medical Retention Determination Point and is referred for a Medical Evaluation Board (MEB).

(2) A DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) dated 23 May 2013, reflects the applicant received nonjudicial punishment for between on or about 1 February 2013 and 3 February 2013, wrongfully used Amphetamine, a Schedule II controlled substance, in violation of Article 112a (Wrongful Use of Cocaine), UCMJ. Their punishment consisted of a reduction in rank/grade of sergeant/E-5 to specialist/E-4, forfeiture of \$1,096.00 pay per month for 2 months, and extra duty and restriction for 45 days. The applicant elected to appeal and to submit additional matters. On 31 May 2013, the Brigade Judge Advocate stated the proceedings were conducted in accordance with law and regulation and the punishment imposed were not unjust nor disproportionate to the offense committed. The Issuing Authority stated after thoroughly considering all matters presented in this appeal,

there is no indication that the applicant's sample was switched or tempered with. Therefore, the appeal is denied.

(3) A DA Form 3822 (Report of Mental Status Evaluation) dated 28 June 2013, reflects the applicant is unfit for duty due to a serious mental condition that is not likely to resolve within one year..

(a) Section V (Diagnoses) reflects a diagnosis of PTSD.

(c) Section VI (Proposed Treatments) reflects a follow up appointment with Behavioral Health Clinic on 2 July 2013.

(d) The Remarks reflects the Behavioral Health Provider stated per the applicant's treating psychiatrist, the applicant has been referred and currently in MEB process. The applicant is therefore psychiatrically unfit for duty under Army Regulation 40-501 and is not cleared for administrative separation under Army Regulation 635-200.

(4) A DD Form 2808 (Report of Medical Examination) dated 15 August 2013, reflects the examining physician marked "Abnormal" for item 33 (Upper Extremities), item 37 (Identifying Body Marks, Scars, Tattoos), and item 40 (Psychiatric). The examining physician notes the applicant is not qualified for service, reflects a profile serial "3" for "P – Physical Capacity or Stamina," which signifies the applicant has a medical condition that may require significant limitations. Item 77 (Summary of Defects and Diagnoses) reflects "Currently undergoing MEB for PTSD."

(5) A memorandum, Alpha Company, 1st Battalion, 24th Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 23 August 2013, reflects the applicant receive notification of the initiation of separation action against them from their company commander for Abuse of Illegal Drugs. The reason for the proposed separation action is wrongfully used Amphetamine between on or about 1 February 2013 and 3 February 2013. The company commander recommended the applicant's service be characterized as General, (Under Honorable Conditions). On the same date the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(6) A memorandum, Alpha Company, 1st Battalion, 24th Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c(2), Commission of a Serious Offense – Misconduct – Abuse of Illegal Drugs, dated 23 August 2013, reflects the applicant's company commander recommended the applicant be separated from the Army prior to the expiration of their current term of service. The company commander does not consider it feasible or appropriate to accomplish other disposition as any further rehabilitation would not produce a quality Soldier.

(7) A Department of Veterans Affairs Veterans (VA) Compensation and Pension Examination Report for Initial Evaluation for PTSD, examined on 29 August 2013, reflects Diagnostic and Statistical Manual of Mental Disorders diagnoses of Axis I (Psychiatric Conditions) PTSD, Major Depressive Disorder, and Attention Deficit Hyperactivity Disorder and Axis III (Medical Conditions), to include TBI.

(8) A DA Form 3947 (Medical Evaluation Board (MEB) Proceedings) dated 11 September 2013, reflects the applicant's diagnosis of PTSD and Major Depressive Disorder does not meet retention, incurred while entitled to base pay, and is permanently aggravated by

service. The MEB recommended the applicant be referred to a Physical Evaluation Board (PEB).

(9) A DA Form 3349 (Physical Profile) dated 8 May 2013, reflects the applicant permanent profile with their medical conditions shown as PTSD and Major Depression; and right shoulder pain. The Profiling Officer notes the applicant is not qualified for service, reflects a profile serial "3" for "U" (Upper Extremities) and "S" (Psychiatric), which signifies the applicant has a medical condition that may require significant limitations.

(10) On 16 September 2013 the applicant completed their Election of Rights acknowledging they have been advised by their consulting counsel of the basis for the contemplated action to separate them for Misconduct – Abuse of Illegal Drugs and its effects; of the rights available to them, and of the effect of any action by them in waiving their rights. The requested consulting counsel. They understand that they may expect to encounter substantial prejudice in civilian life if a general (under honorable conditions) discharge is issued to them. They further understand that as a result of issuance of a discharge under other than honorable conditions they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They elected to submit statements in their own behalf, stating, their duty performance has been above and beyond their peers throughout their Army career. They have deployed with their unit and was wounded in action, awarded the Purple Heart, and have been awarded other medals. They have had zero negative actions or counseling in their career. They fully acknowledge the mistake they made and served their punishment. They feel they have been punished enough and they would like their life to be successful outside of the military. They respectfully request their separation be an Honorable discharge given their outstanding duty performance over the last four years.

(11) A memorandum, Headquarters, 1st Battalion, 24th Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 20 September 2013, reflects the applicant's battalion commander recommended the applicant be separated from the Army prior to the expiration of their current term of service and their service be characterized as General (Under Honorable Conditions).

(12) A memorandum, Headquarters, 1st Stryker Brigade Combat Team, 25th Infantry Division, subject: Recommendation, Administrative Separation concerning [Applicant], dated 1 October 2013, reflects the applicant's brigade commander states in accordance with Army Regulation 635-200, paragraph 1-33, when a Soldier is pending administrative separation for misconduct and an MEB which has recommended referral to a PEB for disability processing, both actions must be forwarded to the General Court-Martial Convening Authority (GCMCA), who will determine whether to process the case under administrative separation provision or through disability channels. The commander recommended the applicant be separated for Misconduct, under Army Regulation 635-200, paragraph 14-12c, with an Honorable characterization of service.

(13) A memorandum for record, subject: Medical Review of the [Applicant's] case, dated 15 October 2013, the Command Surgeon states, "it is my medical opinion that [Applicant's] medical condition was not, "...the direct or substantial contributing cause of the conduct (urinalysis failure) that led to the recommendation for administrative elimination." The applicant underwent a MEB for PTSD, Major Depressive Disorder, and right shoulder pain. Their review of the applicant's medical record yielded no supporting evidence for their medical conditions contributing to the applicant's decision to use an illegal substance. As such, they believe the applicant's medical condition was not the, "...direct or substantial contributing cause

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210016032**

of the conduct.” According to the VA Fact Sheet 16-8, dated March 2010, veterans discharged under General (Under Honorable Conditions) are eligible for VA health benefits.

(14) A memorandum, Headquarters, 1st Stryker Brigade Combat Team, 25th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 31 October 2013, reflects the separation authority/GCMCA reviewed the separation packet and the completed MEB of the applicant. In accordance with Army Regulation 635-200, paragraph 1-33, the separation authority found that the disability is not the cause or substantial contributing cause, of the misconduct and no other circumstances warrant disability processing instead of alternate administrative separation. They directed the applicant's case will not be processed through medical disability channels. They directed the applicant be separated from the Army prior to the expiration of their current term of service and directed the applicant's service be characterized as General (Under Honorable Conditions).

(15) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 12 September 2014, with 3 years, 9 months, and 24 days of net active service this period. The DD Form 214 show in –

- item 24 (Character of Service) –General (Under Honorable Conditions)
- item 28 (Narrative Reason for Separation) – Misconduct (Drug Abuse)

i. Lost Time / Mode of Return: NA

j. Behavioral Health Condition(s):

(1) Applicant provided: DA Form 3822, VA Rating Decision, and VA printout, Rated Disabilities.

(2) AMHRR Listed: two DA Forms 3349, DD Form 2808, Report of Mental Status Evaluation, VA Compensation and Pension Examination Report for Initial Evaluation for PTSD, and DA Form 3947 with a narrative summary.

5. APPLICANT-PROVIDED EVIDENCE:

- three DD Forms 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- two DD Forms 149 (Application for Correction of Military Records under the Provisions of Title 10, U.S. Code, Section 1552)
- DA Form 2627
- DA Form 3822
- VA Letter, with attached Rating Decision
- 3rd Party Statement

6. POST SERVICE ACCOMPLISHMENTS: none provided with the application.

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 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 (DoD) 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 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) 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) effective 6 September 2011, 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. It prescribes the policies, procedures, and the general provisions governing the separation of Soldiers before expiration term of service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(1) 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.

(2) 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.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Paragraph 1-33 (Disposition through Medical Channels) stated except in separation actions under chapter 10 (Discharge in Lieu of Court-Martial), disposition through medical channels takes precedence over administrative separation processing. When the medical treatment facility commander, or attending medical officer determines that a Soldier being processed for administrative separation under chapter 14, does not meet the medical fitness standards for retention, they will refer the Soldier to a MEB. The administrative separation proceedings will continue, but final action by the separation authority will not be taken, pending the results of MEB. If the MEB findings indicate that referral to the case to a PEB is warranted for disability processing, the Medical Treatment Facility commander will furnish copies of the approved MEB proceedings to the Soldiers GCMCA and unit commander. The GCMCA may direct, in writing, that the Soldier be processed through the physical disability system when action under the UCMJ has not been initiated, and one of the following has been determined: the Soldier's medical condition is the direct or substantial contributing cause of the conduct that led to the recommendation for administrative elimination; or, other circumstances of the individual case warrant disability processing instead of further processing for administrative separation. The authority of the GCMCA to determine whether a case is to be processed through medical disability channels or under administrative separation provisions will not be delegated.

(5) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. Paragraph 14-12c(2) (Abuse of Illegal Drugs is Serious Misconduct), stated, however; 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. 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.

(6) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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, paragraph 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 DoD Instructions 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)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. 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. 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.

h. Manual for Courts-Martial, United States (2012 Edition) stated, 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 order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows

the maximum punishments include punitive discharge for violating Article 112a (Wrongful Use, Possession, etc., of Controlled Substances).

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence reflects the applicant received nonjudicial punishment under the provisions of Article 15, UMCJ for wrongful use of Amphetamine, was recommended by a MEB for a referral for a PEB; however, the GCMCA determined the applicant's disability is not the cause, or substantial contributing cause, of the misconduct and no other circumstances warranted disability processing and directed the applicant be involuntarily discharged from the U.S. Army. Their DD Form 214 provides they were discharged with a character of service of General (Under Honorable Conditions) for misconduct (drug abuse). They completed 3 years, 9 months, and 24 days of net active service and completed their first full term of service; however, they did not complete their reenlistment service obligation of three years.

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; 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 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. The applicant's AMHRR does reflect documentation of a diagnosis of PTSD; however, the GCMCA determined the applicant's disability is not the cause, or substantial contributing cause, of the misconduct and no other circumstances warranted disability processing. The applicant provide documentation of a PTSD diagnosis during their military service and VA evidence reflecting service connection for PTSD, Major Depressive Disorder, Attention Deficit Hyperactivity Disorder and TBI with a 50-percent disability rating with an effective date of 22 August 2017.

e. 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: Concussion (TBI), PTSD, ADHD, Major Depressive DO(MDD)).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found diagnoses of PTSD and TBI were made during service. VA service connection for PTSD and MDD also establishes nexus with active 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 the applicant has several mitigating BH conditions, PTSD, MDD and TBI. As these conditions are associated with self-medication with alcohol and/or illicit drugs, there is a nexus between these conditions and their wrongful use of methamphetamine. [Note-ADHD is a pre-existing condition; Depressive DO NOS is subsumed under diagnosis of MDD.]

(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):

(1) The applicant contends at the time of their discharge they were suffering from severe effects of PTSD and TBI due to injuries sustained during combat operations. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder, Major Depressive Disorder, and TBI outweigh the applicant's use of illicit drugs offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends they made a one-time indiscretion and attempted to self-medicate using prescription medication they were not prescribed at the time; the medication was expired. 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 Post Traumatic Stress Disorder, Major Depressive Disorder, and TBI outweigh the applicant's use of illicit drugs offense.

(3) The applicant contends they feel they were improperly treated for their medical conditions and did not receive the appropriate medical care to deal their PTSD and TBI. 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 Post Traumatic Stress Disorder, Major Depressive Disorder, and TBI outweigh the applicant's use of illicit drugs offense.

(4) The applicant contends the nature of their discharge has been a terrible burden which has impacted many aspects of their life, including job prospects and education benefits.

(5) The applicant contends they also deal with the stigma that has led to overwhelming feelings of guilt and shame for failing their comrades who died alongside them in combat. They endured horrific combat and was wounded in action during their deployment only to be thrown aside by the U.S. Army and unceremoniously discharged without the proper medical treatment. 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 Post Traumatic Stress Disorder, Major Depressive Disorder, and TBI outweigh the applicant's use of illicit drugs offense.

(6) The applicant contends they have attached a letter from their treating physician at the time as well as the improperly conducted administrative separation mental health screening.

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 Post Traumatic Stress Disorder, Major Depressive Disorder, and TBI outweigh the applicant's use of illicit drugs offense.

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 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, Quality, and Combat) and concurred with the conclusion of the medical advising official that the applicant's PTSD, MDD, and TBI does mitigate the applicant's use of illicit drugs (methamphetamine). Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD, MDD, and TBI outweighed the applicant's use of illicit drugs (methamphetamine). Thus, the prior characterization is no longer appropriate.

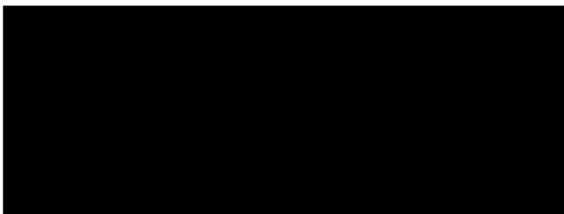
(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

(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:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200

Authenticating Official:



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