

1. Applicant's Name: [REDACTED]**a. Application Date:** 13 July 2021**b. Date Received:** 21 July 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an honorable discharge, change of separation and reenry codes, and a change to the narrative reason for separation.

b. Applicant Contention(s)/Issue(s): The applicant requests relief, contending that their record of honorable service was disrupted by a significant decline in mental and physical health following a deployment. Upon returning, the applicant's mental state changed, prompting enrollment in behavioral health services for symptoms including mood changes, depression, lack of focus, and fainting spells. The applicant reports being diagnosed with both a Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD), and has experienced suicidal thoughts. It is claimed that the stress of deployment interfered with rehabilitation and that the misconduct committed was a direct consequence of these behavioral health issues, either as part of the condition or as an attempt to cope.

c. Board Type and Decision: In a records review conducted on 3 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable because the applicant's service-connected Major Depressive Disorder and Traumatic Brain Injury provided medical mitigation that outweighed the misconduct involving wrongful marijuana use. 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 voted to change the RE code to RE-3. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 26 July 2019

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 7 May 2019

(2) Basis for Separation: The applicant was informed of the following reason: The applicant wrongfully used marijuana between on or about 9 December 2018 and 10 January 2019.

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

(4) Legal Consultation Date: 16 May 2019

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 9 July 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 12 June 2017 / 3 years, 23 weeks

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 91

c. Highest Grade Achieved / MOS / Total Service: E-3 / 92G1O, Culinary Specialist

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Afghanistan (5 March 2018 – 18 November 2018)

f. Awards and Decorations: ARCOM w/c device, ARCOM, AAM, NDSM, ACM-CS, GWTSM, ASR, OSR, NATO MDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 24 April 2019, indicates the applicant tested positive for THC 294 (marijuana) ordered as an Inspection Random (IR) urinalysis testing conducted on 5 April 2019.

(2) Field Grade Article 15, 23 April 2019, indicated the applicant wrongfully used marijuana between 9 December 2018 and on or about 10 January 2019. The applicant was reduced from private first class to private (E-2); ordered to forfeit \$942.00 pay for two months, suspended, until 20 October 2019; and order to perform extra duty and restriction for 45 days, suspended, until 20 October 2019; and received an oral reprimand.

(3) Electronic Copy of Specimen Custody Document – Drug Testing, 5 February 2019, indicates the applicant tested positive for THC 126 (marijuana) ordered as a Probable Cause (PO) urinalysis testing conducted on 5 April 2019.

(4) Memorandum for Record, 10 January 2019, documented the Company Commander directed a probable cause urinalysis for the applicant due to being stopped by the Colorado State Patrol for speeding. The officer detected a moderate odor of marijuana from the vehicle.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor, if applicable. See **“Board Discussion and Determination”** for Medical Advisor Details.

(1) Applicant provided:

(a) VA Service-Connected Benefits Letter, 21 November 2019, indicated the applicant was awarded an evaluation of 70%, effective 27 July 2019, for service-connected traumatic brain injury with major depressive disorder, anxious distress with psychotic features, cannabis use disorder (claimed as post-traumatic stress disorder adjustment disorder with depressed mood, insomnia, traumatic brain injury).

(b) Medical Entry Record, 19 July 2019, indicated the applicant was diagnosed with Adjustment Disorder with Depressed Mood and documented a traffic accident from January 2019 with a possible concussion and applicant claimed headaches afterwards.

(c) Behavior Health Record, undated, indicated the applicant was admitted and seen by psychiatrist from 1-4 April 2019 and the applicant was diagnosed with an Adjustment Disorder with Depressed Mood and a Cannabis Use Disorder.

(2) **AMHRR Listed:** Report of Mental Status Evaluation (MSE), 8 April 2019, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings, appreciated the difference between right and wrong, and met medical retention requirements. PTSD, mTBI, Depression, and Sexual Trauma screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The applicant denied any current, recent, or historical suicidal or homicidal ideations at the time. The evaluation stated to refer to the applicant's ALTA records.

5. APPLICANT-PROVIDED EVIDENCE:

- Application for Review of Discharge
- DD Form 214
- Applicant self-authored statement
- TCS Orders – Afghanistan
- Behavioral Health Discharge Summary
- VA Benefits Letter (21 November 2019)
- VA Benefits Letter (19 March 2020)
- Behavior and medical records

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted in support of the application.

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

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

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment

per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.
- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(a) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(c) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(b) Paragraph 14-3, prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(c) Paragraph 14-12c (2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary

infractions or incidents of other misconduct and processed for separation under paragraph 14-12a or 14-12b as appropriate.

(3) 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. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, misconduct (drug abuse).

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

a. The applicant requests an upgrade to honorable, a change to the separation and reentry codes, and a change to the narrative reason for separation. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant was separated from the service for wrongful use of marijuana between on or about 9 December 2018 and 10 January 2019. The applicant wrongfully tested positive for marijuana a second time during a random inspection in April 2019.

c. The applicant deployed to Afghanistan from 5 May 2018 through 18 November 2018 and received an Army Commendation Medal with C device for this period of service.

d. The applicant's Army Military Human Resources Record (AMHRR) contains evidence concerning the events leading to the discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c (2), by reason of Misconduct (Drug Abuse), with a characterization of service of general (under honorable conditions).

e. The applicant contends the Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c (2), of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Drug Abuse)," as the narrative reason for discharge under this provision and assign the separation code "JKK." Army Regulation 635-8 (Separation Processing and Documents) governs how officials prepare the DD Form 214. This regulation mandates that block 28 must

list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason.

f. The applicant contends the Army should change the SPD code. The SPD codes are three-character alphabetic combinations identifying reasons for and types of separation from active duty. The primary purpose of SPD codes is to provide a statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in collecting and analyzing separation data. The Office of the Secretary of Defense controls SPD codes and implements them in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c (2) is "JJK."

g. The applicant contends that the misconduct committed is related to the applicant's medical and behavioral ailments, and that the conditions did not exist prior to deploying.

h. The applicant contends honorable service until after the deployment and that the misconduct was committed after redeployment when the applicant experienced different mood changes and ailments. The applicant contends good service, including a combat tour. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

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: Major Depressive Disorder (MDD), TBI, and Adjustment Disorder (subsumed by MDD).

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 70 percent service connection (SC) for MDD and TBI.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that a review of the records shows the applicant has a BH condition that mitigates their misconduct as outlined in the BoS. The applicant is 70 percent SC for MDD and TBI and given then nexus between MDD and the use of substances to self-medicate their misconduct characterized by wrongful use of cannabis is mitigated and upgrade based on medical mitigation supported.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the applicant's service-connected Major Depressive Disorder and Traumatic Brain Injury outweighed the misconduct involving wrongful marijuana use.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends that the misconduct committed was part of medical treatment pertaining to medical and behavior health conditions. The Board considered this contention and found that the applicant's behavioral health conditions, including service-connected MDD and TBI, were well-documented and provided medical mitigation for the misconduct.

(2) The applicant contends good service leading up to the deployment and that the misconduct committed was a result of the changed behavioral and medical health conditions. The Board considered this contention and determined that the applicant's strong record of service, combined with the significant decline in behavioral and medical health following deployment, supported the conclusion that the misconduct was mitigated by those conditions.

d. The Board determined the discharge is inequitable because the applicant's service-connected Major Depressive Disorder and Traumatic Brain Injury provided medical mitigation that outweighed the misconduct involving wrongful marijuana use. 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 voted to change the RE code to RE-3.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's service-connected Major Depressive Disorder and Traumatic Brain Injury provided substantial medical mitigation that outweighed the misconduct involving wrongful marijuana use.

(3) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts.

(4) The RE code will change to RE-3.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210016890****11. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: RE-3
- e. Change Authority to: AR 635-200

Authenticating Official:

2/12/2026

Legend:

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

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active-Duty
Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs