

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 13 August 2021
- b. **Date Received:** 23 August 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 honorable conditions (general). The applicant requests an upgrade to honorable, and a narrative reason change.

The applicant states in effect, the mother of their child stopped allowing them to bond with their child, their child was hospitalized twice. They went to their leaders for assistance, but no one was willing to get involved. They were sent to Korea, and while being stationed overseas it became more difficult for them to have communication through weekly video chats. They became depressed, and they only had communication with their child through their parents only when they were allowed to spend time with their grandchild. They were contacted in regard to neglectful incidents involving their child, child protective service was contacted. They did not know what was going on and they had to rely on their parents for pertinent information. The mother of their child completely removed them for their child's life, they became severely depressed and became isolated from others around them.

They began self-medicating by drinking alcohol and vaping illegal substances. They did not know how to cope with work, and their social connections with family and friends; they became isolated. They were hurt that they could not save their child. They left Korea for one month to inquire about their options to have their child removed from Child Protective Services, while there they found out that they were the accused parent of neglect. Their child was eventually placed in the care of the applicant's parents, but they faced many obstacles. When the applicant returned to Korea, they were notified that their child would be removed from the home, they had to hire an attorney to advocate and keep their child out of harms way. The entire situation was turmoil, they continued to go downhill by self-medicating, they were staying up late for several hours, and days before getting any sleep. They were unable to keep up with the court hearings over zoom due to the 14 hour time difference. They started sleeping through their alarms, forgetting things as a team leader in an NCO position, continuously letting down their soldiers as they were trying to balance their personal life and work life. Their outbursts started, they started talking back to their leadership and arguing with their orders.

Overtime their appearance became noticeable to their peers and leadership. They tested positive for illegal substances; their lieutenant intervened and got them the help they needed. They realized what they did was wrong, they had let everyone down including their mentors and child. They wanted to continue their military service, but they know they cannot undo the mistakes they already committed. They regret not seeking help and being self-destructive with their actions. Presently, they are home with their child, they plan to be uplifting and to give their child the best life possible. They are asking that an honorable discharge is granted despite their actions and circumstances.

b. Board Type and Decision: In a records review conducted on 24 September 2025, and by a 4-1 vote, the Board determined the discharge is inequitable based on the applicant's length, quality of service, and the circumstances surrounding the discharge (Adjustment Disorder, Other Specified Anxiety Disorder, Mood Disorder). 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 RE code will change to RE3.

*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 / JKK / RE-4 / General (Under Honorable Conditions).

b. **Date of Discharge:** 16 July 2021

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** On or around 11 January 2021 the applicant wrongfully used 5F-MDMB-PICA, a Schedule I controlled substance.

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** 25 June 2021

(5) **Administrative Separation Board:** Waived; 28 June 2021

(6) **Separation Decision Date / Characterization:** NIF / GD

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 22 October 2017 / 5 years.

b. **Age at Enlistment / Education / GT Score:** 22 / HS Graduate / 97

c. **Highest Grade Achieved / MOS / Total Service:** E-4 (Specialist) / 12N10 Horizontal Construction Engineer / 6 years, 6 months.

d. **Prior Service / Characterizations:** RA; 20150121 – 20171021 / Continuous Honorable

e. **Overseas Service / Combat Service:** South Korea / None

f. **Awards and Decorations:** AAM-3, AGCM-2, NDSM, GWTEM, KDSM, AFSM, NCOPDR, ASR, OSR

g. **Performance Ratings:** N/A

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

(1) A Developmental Counseling Form signed 25 February 2021 indicates that the applicant was counseled to inform that they were flagged for Adverse Action. Toxicology report indicated illegal substance present in the collected specimen.

(2) An Enlisted Record Brief indicates that the applicant received a rank demotion on 31 March 2021.

(3) On 9 June 2021 the applicant acknowledged receipt of the Separation Notice.

(4) A Commander's Report dated 28 June 2021, indicates that the chain of command recommended separation from the Army prior to the expiration of the applicant's current term of service. The applicant used 5F-MDMB-PICA (synthetic cannabinoid) on or around 11 January 2021.

(5) On 28 June 2021 the applicant consulted with counsel and waived consideration of their case by an administrative separation board.

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

j. **Behavioral Health Condition(s):** Other mental health

(1) **Applicant provided:** 18 pages of military medical documents.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: A DD Form 293 (Record Review) application, DD Form 214, State of Texas Court Order, Texas Department of Family and Protective Service Placement Authorization document, an 18 Pages of medical documents from their Service Treatment Record.

6. POST SERVICE ACCOMPLISHMENTS: None submitted in support of their 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 635-200 provides the basic authority for the separation of enlisted personnel provides the authorized types of characterization of service or description of separation.

(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) 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.

(4) Except as otherwise indicated in this regulation, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated. In this regard, commanders will ensure that adequate counseling and rehabilitative measures are taken before initiating separation proceedings for the following reasons:

- Involuntary separation due to parenthood
- Personality disorder
- Other designated physical or mental conditions
- Entry-level performance and conduct
- Unsatisfactory performance
- Minor disciplinary infractions or a pattern of misconduct
- Failure to meet body fat standards.

(5) 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 subject to this discharge under this regulation will be considered and processed for discharge even though he/she has filed an appeal or has stated his/her intention to do so. Paragraph 14-12c, states 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.

e. 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.

f. 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, misconduct (drug abuse).

g. 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
- 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

h. 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. It provides 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 missions. Individuals who do not self-refer for treatment and are subsequently identified as positive for controlled substances for which they do not have a valid prescription may be considered in violation of the UCMJ for drug misuse/abuse.

- Chapter 1-7c (5) Soldiers who fails to participate adequately in or respond to successfully to rehabilitation will be processed for administrative separation.
- Soldiers with subsequent alcohol or drug related incident or misconduct at any time during the 12 month period following successful completion of the ASAP or during the 12 month period following removal for any reason, will be processed for separation as a rehabilitation failure.

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. The applicant's DD-214 provides that the applicant received a General (under honorable conditions) characterization of service, rather than an under other than honorable conditions (UOTCH) discharge, which is normally considered appropriate for a soldier discharged under CH 14 for misconduct.

b. Based on the available evidence the applicant enlisted in the army at the age of 19, they advanced to the pay grade of E-4, reenlisted in the Army, and received the Army Good Conduct Medal twice. Four months after the applicant arrived at Camp Humphreys, South Korea they tested positive for a controlled substance. The applicant received a NJP on or around 31 March 2021 and they were subsequently processed for administrative separation.

c. The applicant was notified of the Intent to separate them, they consulted with counsel and waived the administrative separation board. A DD Form 214 authenticated by the applicant's signature indicates that the applicant was discharged under the provisions of AR

635-200, CH 14-12c, by reason of misconduct (Drug Abuse), with an under honorable conditions (general) characterization of service on 17 July 2021.

d. Chapter 14 establishes policy and prescribes procedures for members being separated 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.

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: Adjustment Disorder, Other Specified Anxiety Disorder, Mood Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder, Other Specified Anxiety Disorder

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given service-connected mood symptoms existed prior to the misconduct and nexus between anxiety and substance use, the basis is mitigated.

(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 reasons.

b. Prior Decisions Cited: None.

c. Response to Contentions:

(1) The applicant contends the circumstances regarding their minor child caused and exacerbated their mental health issues. The Board acknowledged this contention during proceedings.

d. The Board determined: the discharge is inequitable based on the applicant's length, quality of service, and the circumstances surrounding the discharge (Adjustment Disorder, Other Specified Anxiety Disorder, Mood Disorder). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the

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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 RE code will change to RE3.

e. Rationale for Decision:

(1) The Board determined the discharge is inequitable based on the applicant's Adjustment Disorder, Other Specified Anxiety Disorder mitigates the applicant's wrongful use of 5F-MDMP-PICA, a Schedule I controlled substance. 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, and changed the reentry code to RE-3.

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

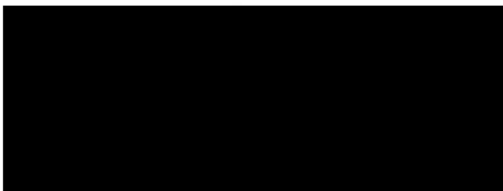
(3) The RE code will change to RE-3.

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: RE-3**
- e. Change Authority to: AR 635-200**

Authenticating Official:

9/28/2025



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