

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 3 September 2021
- b. **Date Received:** 13 September 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 upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, was discharged based on a single isolated event of misconduct. The applicant suffers and is diagnosed with posttraumatic stress disorder (PTSD). The applicant is a 90 percent disabled veteran which clouded the applicant's decision-making ability. The applicant compromised their integrity to help a fellow Soldier not to be in trouble and confessed to the 1SG weeks later after the applicant's wrongdoing. The applicant was suffering from anxiety and depression at the time of the incident after separating from the spouse and not being able to see the applicant's child. The battalion decided to initiate chapter without any regard to the applicant's personal situation, mental health and decorated service career until this incident occurred.

c. **Board Type and Decision:** In a records review conducted on 26 August 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, and post- service accomplishments. 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.

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 (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 10 June 2009

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** In an undated memorandum.

(2) **Basis for Separation:** The applicant was informed of the following reasons: Commission of a Serious Offense. The applicant knowingly and willingly compromised another Soldier's urine sample while acting as an observer on or about 2 February 2009, for which the applicant received an Article 15.

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

(4) **Legal Consultation Date:** In an undated memorandum.

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** 31 May 2009 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

a. **Date / Period of Enlistment/Reenlistment Under Review:** 10 November 2004 / 4 years / The applicant's AMHRR is void of any extension or reenlistment contract retaining them on active duty beyond the initial contract.

b. **Age at Enlistment / Education / GT Score:** 24 / baccalaureate degree / 101

c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 92A2O, Automated Logistical Specialist / 4 years, 10 months, 1 day

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** SWA / Iraq (19 September 2006 – 10 October 2007)

f. **Awards and Decorations:** ARCOM, MUC, AGCM, NDSM, GWOTSM, ICM-CS, NCOPDR, ASR, OSR

g. **Performance Ratings:** 1 March 2007 – 31 December 2007 / Fully Capable  
1 January 2008 – 31 March 2008 / Among the Best  
1 April 2008 – 31 October 2008 / Among the Best  
10 October 2008 – 24 March 2009 / Marginal

h. **Disciplinary Action(s) / Evidentiary Record:** Developmental Counseling Form for conduct unbecoming a Non Commissioned Officer and failure to obey a lawful order, i.e. observer responsibilities while conducting a company level urinalysis.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 24 March 2009, indicates on or about 2 February 2009, with intent to deceive, sign an official record, to wit: UPL's urinalysis ledger, which record was false, and the applicant acknowledged the urination process was directly observed and no tampering occurred. The imposed punishment included a reduction to E-4, forfeiture of \$1062 pay per month for two months, and 45 days of extra duty.

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 Notes, 30 April 2021, reflects the applicant was diagnosed with PTSD Chronic and Alcohol Use Disorder moderate.

(b) Department of VA Summary of Benefits Letter, 10 April 2025, reflects the applicant was granted 100 percent combined service-connected disability. The letter does not state the nature of the disability.

(c) VA Blue Button Report, 21 April 2025, reflects the following conditions: obstructive sleep apnea, alcohol use, panic disorder, chronic post-traumatic stress disorder, alcohol dependence, posttraumatic stress disorder, and alcohol abuse.

**(2) AMHRR provided:**

(a) Report of Medical History, 9 April 2009, the examining medical physician noted in the comments section: Difficulty sleeping through the night; depression and marriage.

(b) Mental Status Evaluation (MSE), 29 April 2009, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant was mentally responsible, demonstrated clear thinking, and possessed the capacity to understand and participate in the proceedings. The MSE did not reflect a diagnosis.

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; ARBA Letter; Soldier Deployment History Out processing Report; Service School Academic Evaluation Report; Permanent Orders 337-243; ARCOM Certificate; three NCO Evaluation Reports; Orders 052-019; My HealthVet Records; Certificate of Achievement; Application for Correction of Military Record; Certificate of Release or Discharge from Active Duty; VA Benefits Letter; three third-party statements; eight certificates; VA Blue Button Report.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant found help for the mental health issues and with correct counseling and medication, has been able to control the symptoms and has since completed a master's in business administration, and has joined the Knights of Columbus as a Youth Mentor. The applicant is also a Red Cross volunteer.

**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), 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.

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 waivable. Eligibility: Ineligible unless a waiver is granted.

- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 635-200 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. It states:

**(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)** 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)** 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 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. 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.

**(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

(4) 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14-12c, misconduct (serious offense).

**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. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for Commission of a Serious Offense. The applicant knowingly and willingly compromised another Soldier's urine sample while acting as an observer. The applicant requested consulting counsel and representation by military counsel and was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for misconduct (serious offense). The applicant completed 4 years, 10 months, 1 day of net service this period.

c. The applicant contends suffering from diagnosed PTSD which clouded the applicant's decision-making ability. The applicant provided VA Notes, 30 April 2021, reflecting the applicant was diagnosed with PTSD Chronic and Alcohol Use Disorder moderate. A Department of VA Summary of Benefits Letter, 10 April 2025, reflects the applicant was granted 100 percent combined service-connected disability. The letter does not state the nature of the disability. A VA Blue Button Report, 21 April 2025, reflects the following conditions: obstructive sleep apnea, alcohol use, panic disorder, chronic post-traumatic stress disorder, alcohol dependence, posttraumatic stress disorder, and alcohol abuse. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 29 April 2009, which indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant was mentally responsible, demonstrated clear thinking, and possessed the capacity to understand and participate in the proceedings. The MSE did not reflect a diagnosis. A Report of Medical History, 9 April 2009, reflects the examining medical physician noted in the comments section: Difficulty sleeping through the night; depression and marriage. The separation authority considered the MSE and Report of Medical History.

d. The applicant contends the event leading to discharge from the Army was an isolated incident. Army Regulation 635-200, paragraph 3-5 state certain circumstances allow a single act of conduct or duty performance to serve as the basis for service characterization.

e. The applicant contends family issues influenced their behavior and ultimately led to their discharge. The applicant provided no supporting evidence beyond their statement. The AMHRR

contains no indication the applicant sought assistance before engaging in the misconduct, which resulted in the separation action under review.

f. The third-party statements provided with the application reflect the applicant good character and hard work while serving in the Army and after being discharged.

g. The applicant found help for the mental health issues and with correct counseling and medication, has been able to control the symptoms and has since completed a master's in business administration, and has joined the Knights of Columbus as a Youth Mentor. The applicant is also a Red Cross volunteer. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character.

#### 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 Specified Trauma and Stress Related Disorder, Unspecified Anxiety Disorder, PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 70 percent SC for Other Specified Trauma and Stress Related Disorder (later amended to PTSD)

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that a review of the available information reflects the applicant has BH conditions that potentially mitigates his misconduct as outlined in the BoS. The applicant is 70 percent SC for Other Specified Trauma and Stress Related Disorder and has additional potentially mitigating diagnoses of Unspecified Anxiety Disorder and PTSD. However, his misconduct characterized by compromising another Soldier's urine sample is not mitigated as the misconduct is not natural sequela of either BH condition and there is no evidence the applicant had a condition that impaired his ability to differentiate between right and wrong and adhere to the right at the time of the misconduct. As such, upgrade based on medical mitigation is not supported.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the available evidence did not support a conclusion that the applicant had a condition to outweigh the reason for discharge.

b. Prior Decisions Cited: N/A

c. Response to Contentions:

(1) The applicant contends suffering from diagnosed PTSD which clouded the applicant's decision-making ability.

The Board considered this contention and determined that his misconduct characterized by compromising another Soldier's urine sample is not mitigated as the misconduct is not natural sequela of PTSD.

(2) The applicant contends the event leading to discharge from the Army was an isolated incident.

The Board acknowledged and considered this contention during proceedings.

(3) The applicant contends family issues influenced their behavior and ultimately led to their discharge.

The Board acknowledged and considered this contention during proceedings.

(4) The third-party statements provided with the application reflect the applicant's good character and hard work while serving in the Army and after being discharged.

The Board acknowledged and considered this contention during proceedings.

(5) The applicant found help for the mental health issues and with correct counseling and medication, has been able to control the symptoms and has since completed a master's in business administration, and has joined the Knights of Columbus as a Youth Mentor. The applicant is also a Red Cross volunteer.

The Board acknowledged and considered this contention during proceedings.

d. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and post-service accomplishments. 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) 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 determined the discharge is inequitable based on Inequity and for Length, Quality and Combat for the Basis of Separation.

(3) The Board voted to change the applicant's reason for discharge to Misconduct (Minor Infractions) with accompanying SPD code JKN.

(4) 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

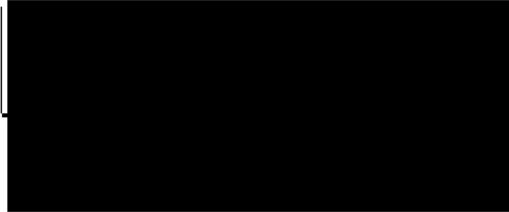
**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

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- 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:**

9/11/2025



**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  
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