

1. Applicant's Name: [REDACTED]**a. Application Date:** 23 September 2021**b. Date Received:** 27 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 and a narrative reason change

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect the discharge was inequitable based on one isolated incident within 24 months of service without other adverse actions. The applicant's application indicates the applicant contends mental health issues were related to the request.

Board Type and Decision: In a records review conducted on 14 November 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (MDD diagnoses), 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 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.

c. 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/ Para 14-12C / JKK / General (Under Honorable Conditions)

b. Date of Discharge: 29 December 2010

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 22 November 2010

(2) Basis for Separation: The applicant wrongfully used Marijuana, a controlled substance, on or about 30 June 2009.

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

(4) Legal Consultation Date: 10 December 2010

(5) Administrative Separation Board: None

(6) Separation Decision Date / Characterization: NIF / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment/Reenlistment Under Review: 26 September 2008 / 4 years and 28 weeks

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / 94

c. Highest Grade Achieved / MOS / Total Service: E1 / 25Q1O, Multichannel Transmission Systems Operator-Maintainer / 2 years, 3 months

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (27 July 2009-21 May 2010)

f. Awards and Decorations: ACM-CS, NATO MDL, NDSM, GWOTSM, ASR, OSR

g. Performance Ratings: None

h. Disciplinary Action(s) / Evidentiary Record:

(1) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 17 August 2009, reflects the applicant wrongfully using marijuana (30 June 2009). The punishment consisted of a forfeiture of \$749 pay per month for two months, and extra duty for 45 days.

(2) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 13 October 2010, reflects the applicant failed to go to the prescribed place of duty; was disrespectful towards a noncommissioned officer; and failure to obey lawful orders. The punishment consisted of extra duty and restriction for 14 days.

(3) Report of Mental Status Examination diagnosis remarks clearly indicated the applicant did not meet retention standards prescribe in Chapter 3, AR 40-501. The applicant was hospitalized for Depression Psychosis with Delusion (on 7 September 2010). The applicant was not cleared for any administrative action to include Chapter 14-12 discharge. The applicant should have received treatment for significant psychiatric diagnoses and may have required a Medical Board Evaluation.

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: The applicant provides medical records pertaining to the applicant's mental and physical conditions. The applicant also provides a copy a Department of Veteran Affairs (VA) Disability Rating Decision, which reflects the applicant was granted a 70 percent service-connected rating. The nature of the applicant's disability is not listed.

(2) AMHRR provided: Report of Mental Status Examination (MSE), 29 October 2010, reflects the applicant had the mental capacity to understand and participate in the proceedings and was mentally responsible. The applicant met retention standard and needed further

examination. The applicant was diagnosed with depression and a psychiatric diagnosis was deferred. The MSE further reflects the applicant did not meet retention standards with Delusion (on 7 September 2010). The applicant was not cleared for any administrative action to include Chapter 14-12 discharge. The applicant should have received treatment for significant psychiatric diagnoses and may have required a Medical Board Evaluation.

5. APPLICANT-PROVIDED EVIDENCE: Chronological Record of Medical Care Medical documents; Report of Mental Status Examination; VA Disability Rating Decision; Certificate of Graduation; Developmental Counseling's; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: The applicant provides evidence reflecting the applicant attended college.

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 waivable and nonwaivable 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) 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.

(b) 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 (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

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

b. The applicant was discharged under the provisions of AR 635-200, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse), with a characterization of service of General (Under Honorable Conditions) and a RE code of "4."

c. The applicant contends the discharge was inequitable based on one isolated incident within 24 months of service without other adverse actions. The applicant's AMHRR reflects the applicant received non-judicial punishment on two separate occasions. Army Regulation 635-200, paragraph 3-5, in pertinent part, stipulates circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

d. The applicant's application indicates the applicant contends mental health issues were related to the request. The applicant's AMHRR reflects the applicant had an in-service diagnosis of depression. The applicant underwent a MSE on 29 October 2010, which reflects, in part, the applicant had the mental capacity to understand and participate in the proceedings and was mentally responsible. The applicant met retention standard and needed further examination. The applicant was diagnosed with depression and a psychiatric diagnosis was deferred. The MSE further reflects the applicant did not meet retention standards with Delusion (on 7 September 2010). The applicant was not cleared for any administrative action to include Chapter 14-12 discharge. The applicant should have received treatment for significant psychiatric diagnoses and may have required a Medical Board Evaluation.

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: the applicant did experience a TBI during active service, which was also diagnosed by the VA after discharge. In addition, they were diagnosed with depressive symptoms and an Adjustment Disorder with depression during active service, and diagnosed with service-connected Major Depressive Disorder by the VA after discharge.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant did experience a TBI during active service, which was also diagnosed by the VA after discharge. In addition, they were diagnosed with depressive symptoms and an Adjustment Disorder with depression during active service, and diagnosed with service-connected Major Depressive Disorder by the VA after discharge.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board applied liberal consideration and opined that there is evidence of a partially mitigating mental health condition. The applicant reported predominately depressive symptoms, which were diagnosed while on active service with an Adjustment Disorder and Major Depressive Disorder by the VA with service-connected. They were diagnosed with a TBI, but there is insufficient evidence the applicant was experiencing cognitive deficits related to their injury. The applicant's misconduct of illegal drug use occurred prior to deployment or their reported and diagnosed depressive symptoms. However, the applicant's misconduct related to not being on time, not following orders, and being disrespectful can be a natural sequelae of Depression, and these incidents of misconduct are mitigatable.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's BH condition did not outweigh the illicit drug use found in the basis of separation.

b. Prior Decisions Cited: NA

c. Response to Contention(s):

(1) The applicant contends the discharge was inequitable based on one isolated incident within 24 months of service without other adverse actions. The Board considered this contention and found that the applicant's length and quality of service was sufficient to outweigh the misconduct of drug abuse and an upgrade is warranted.

(2) The applicant's application indicates the applicant contends mental health issues were related to the request. The Board considered this contention and granted partial mitigation due to BH issues, the applicant's length and quality of service was sufficient to outweigh the unmitigated misconduct of drug abuse and an upgrade is warranted.

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, Combat, Quality) and concurred with the conclusion of the medical advising official that there is evidence of a partially mitigating mental health condition. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and warranted an upgrade.

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 length and quality of service, to include combat service, the circumstances surrounding the discharge (MDD diagnoses), and post-service accomplishments outweighed the basis of separation. Thus, the prior characterization is no longer appropriate.

(3) 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.

(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:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220000300**

- 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: No Change
- e. Change Authority to: No Change

Authenticating Official:

2/25/2026

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