

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

- a. **Application Date:** 22 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 an honorable discharge.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the applicant was accused of failing a drug test (THC or marijuana) while on active duty, the applicant provided self-acquired drug test results, and the chain of command proceeded with proceedings to administratively eliminate the applicant. The applicant contends the request should be upgraded due to the applicant being a combat veteran of Operation Iraqi Freedom, a current civilian federal employee and has been awarded a 100 percent disability rating. The applicant states major career contributions outweigh a drug test of a minor drug that is currently legal.

c. **Board Type and Decision:** In a records review conducted on 23 September 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's length of service, to include combat service, and the circumstances surrounding the discharge (Depression and PTSD diagnoses). Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

Please see **Board's Discussion and Determination** section for more detail regarding the Board's decision.

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Unacceptable Conduct / Army Regulation (AR) 600-8-24 / Paragraph 4-2b / JNC / NA / General (Under Honorable Conditions)

b. **Date of Discharge:** 30 September 2011

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 31 May 2011

(2) **Basis for Separation:** The applicant was required to show cause for retention on active duty under the provisions of AR 600-8-24, paragraph 4-2b(5) and paragraph 4-2b(8), and paragraph 4-2c(5) because of acts of personal misconduct, conduct unbecoming an officer, and adverse information filed in the applicant's OMPF in accordance with AR 600-37.

The action was based on the following specific reasons for elimination:

(a) On 1 April 2011, received a General Officer Memorandum of Reprimand for personal misconduct involving drug use.

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(b) On 18 October 2010, during a unit inspection urinalysis testing, tested positive for THC, indicating wrongful use of marijuana. At the time of the positive test positive for THC, the applicant knew they were pregnant.

(c) In early December 2010, when the applicant was notified of this positive result by Battalion Commander, the applicant attempted to explain the result by stating, "I've been around people who smoke" illegal drugs, and gave a sworn statement to Military Police Investigators claiming they had not been around anyone who smoked marijuana.

(d) On 20 May 2011, a General Officer Memorandum of Reprimand was directed filed in the applicant's Official Military Personnel File.

(3) **Board of Inquiry (BOI) Date:** On 24 June 2011, the applicant waived consideration of the case by a BOI contingent upon receiving a characterization no less favorable than honorable.

(4) **Legal Consultation Date:** 24 June 2011

(5) **GOSCA Recommendation Date / Characterization:** 9 August 2011 / General (Under Honorable Conditions). / The GOSCA noted the applicant was a probationary officer and was only eligible for a FBOI, if a recommendation of under other than honorable conditions was recommended. The initial recommendation was for a general (under honorable conditions), therefore the applicant's contingent resignation was inapplicable and should not be accepted.

(6) **DA Board of Review for Eliminations:** On 1 September 2011, the Army Board of Review for Eliminations considered the GOSCA's request to involuntary separate the applicant for unacceptable conduct in accordance with AR 600-8-24, Chapter 4-2b.

(7) **DASA Review Board Decision Date / Characterization:** 1 September 2011 / General (Under Honorable Conditions). / The applicant's conditional discharge request upon receiving a characterization no less favorable than honorable, was not approved. The DASA noted the applicant was a probationary officer.

**4. SERVICE DETAILS:**

a. **Date / Period of Appointment:** 17 May 2007 / NIF

b. **Age at Appointment / Education:** 23 / Associates of Arts

c. **Highest Grade Achieved / AOC / Total Service:** O-2 / 92A, Quartermaster / 10 years, 2 months, 14 days

d. **Prior Service / Characterizations:**

- United States Army Reserve (USAR), 25 July 2001 – 10 July 2002 / NA
- Regular Army (RA), 11 July 2002 – 16 May 2007 / HD

e. **Overseas Service / Combat Service:** SWA / Iraq (18 November 2007 – 17 February 2009)

f. **Awards and Decorations:** ICM-2CS, ARCOM-3, AAM, AGCM, NDSM, GWOTSM, ASR, OSR, CAB

**g. Performance Ratings:**

- 19 May 2009 – 18 May 2010 / Best Qualified
- 18 May 2010 – 17 May 2011 / Do not Promote

**h. Disciplinary Action(s) / Evidentiary Record:** General Officer Memorandum of Reprimand for personal misconduct involving drug use filed in Army Military Human Resource Record (AMHHR) 20 May 2011.

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

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 September 2011
- ABCMR denial letter dated 18 April 2017
- Department of Veteran Affairs benefits information and medical document from Quest Diagnostics
- Standard Form (SF) 50 (Notification of Personnel Action)

**6. POST SERVICE ACCOMPLISHMENTS:** Employment with federal government agency with the United States Navy.

**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 (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.

**d.** Army Regulation 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers.

**(1)** Paragraph 1-23 provides the authorized types of characterization of service or description of separation.

**(2)** Paragraph 1-23a, states an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearance under DODI 5200.02 and AR 380-67 for reasons that do not involve acts of misconduct for an officer.

**(3)** Paragraph 1-23b, states an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: Submits an unqualified resignation; Separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and, for final revocation of a security clearance.

**(4)** Paragraph 1-23c, states a discharge under other than honorable conditions is an administrative separation from the service. A discharge certificate will not be issued. An officer will normally receive an under other than honorable conditions when he or she: Resigns for the good of the Service; is dropped from the rolls (DFR) of the Army in accordance with paragraph 5-9; (3) is involuntarily separated due to misconduct, moral or professional dereliction, or for the final revocation of a security clearance under DODI 5200.02 and AR 380-67 as a result of an act or acts of misconduct, including misconduct for which punishment was imposed; and, is discharged following conviction by civilian authorities. Delete if NA

**(5)** Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(6) Paragraph 4-2b, prescribes for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security.

(7) Paragraph 4-20a (previously 4-24a), states an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JNC" as the appropriate code to assign for members who are discharged under the provisions of Army Regulation 600-8-24, Unacceptable Conduct.

**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 AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant contends, the applicant was accused of failing a drug test (THC or marijuana) while on active duty; the applicant provided self-acquired drug test results to the chain of command and the chain of command proceeded with proceedings to administratively eliminate the applicant. The applicant was separated in accordance with AR 600-8-24 for Unacceptable Conduct.

c. The applicant contends the applicant is a combat veteran of Operation Iraqi Freedom, a current civilian federal employee and the VA has granted the applicant a 100 percent service-connected disability rating for medical conditions the suffered while on active duty. The applicant contends major career contributions outweighs a drug test of a minor drug that is currently legal. The applicant claims the offense leading to the discharge is currently considered minor. The applicant did not submit evidence, other than the applicant's statement, to support the contention. The available medical evidence in the AMHRR is void of any indication the applicant was suffering from a disabling medical or mental condition during the discharge processing, warranting separation processing through medical channels. Marijuana is a controlled substance and federally illegal. The AMHRR indicates the applicant committed a discrediting offense. AR 635-200, Chapter 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 The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

d. The applicant contends an upgrade of the discharge will allow the applicant to obtain better employment. The Board does not grant relief to gain employment or enhance employment opportunities.

#### **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: PTSD, Depression.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 100 percent SC for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that a review of the available information reflects the applicant has BH conditions that partially mitigates her misconduct as outlined in the BoS. The applicant is 100 percent SC for PTSD and is diagnosed with Depression. Given the nexus between PTSD and the use of substances to self-medicate, the applicant misconduct characterized by wrongful use of marijuana is mitigated. The applicant's misconduct characterized by providing a false official statement is not mitigated as it is not natural sequela of either condition. The ARBA medical advisor is aware of the applicant's denial of use, the provision of a hair follicle test that appears to support her assertion, and her denial of making a false official statement. However, given the separation, one must assume regularity in the process, and provide an opinion based on the separation facts. Given partial mitigation of the misconduct, there is sufficient support of an upgrade based on medical mitigation is supported.

(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 experience outweighed the listed basis for separation for the aforementioned reasons.

**b. Prior Decisions Cited:** ADRB – AR20130003969; ABCMR – AR20150017521

**c. Response to Contentions:**

(1) The applicant contends the applicant was accused of failing a drug test (THC or marijuana) while on active duty; the applicant provided self-acquired drug test results to the chain of command and the chain of command proceeded with proceedings to administratively eliminate the applicant.

The Board acknowledged this contention during proceedings.

(2) The applicant contends good service, including a combat tour (Operation Iraqi Freedom).

The Board acknowledged and considered the applicant's combat service during proceedings.

(3) The applicant contends an upgrade of the discharge will allow the applicant to obtain better employment.

The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(4) The applicant contends the VA has granted a service connection for medical conditions the applicant suffered while on active duty.

The Board considered this contention and acknowledged the Board's Medical Advisor's finding that the applicant is 100 percent SC for PTSD.

(5) The applicant states major career contributions outweighs a drug test of a minor drug that is currently legal.

The Board acknowledged this contention during proceedings.

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d. The Board determined that the characterization of service was inequitable based on the applicant's length of service, to include combat service, and the circumstances surrounding the discharge (Depression and PTSD diagnoses). Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

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 not to change the applicant's reason for discharge or accompanying SPD code as the reason the applicant was discharged was both proper and equitable.

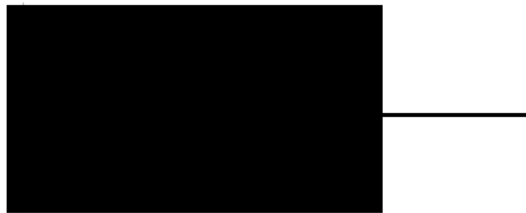
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

**Authenticating Official:**

10/1/2025



**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