

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 8 August 2021
- b. **Date Received:** 19 October 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, a separation code change, and a reentry code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, to have had a normal childhood as the oldest of two children raised by a single parent. When younger, the applicant wanted to become a physician and after high school, the applicant attended to college to pursue the profession. While in college, the applicant decided the profession was not the right fit and pursued a new career path in the Army, believing serving the country while earning a living would be a great place to begin. The applicant attended basic training at Fort Sill and advanced individual training at Fort Leonard Wood. At the time, the applicant was unaware underlying mental health issues, specifically mood swings and depression, were affecting the applicant's judgment. Following the discharge from the Army, the applicant was diagnosed with bipolar disorder and was prescribed medication. The applicant acknowledges immaturity may have contributed to the applicant's poor judgment, including using drugs to cope with the applicant's problems. The applicant acknowledges the decisions ended the applicant's career in a less than favorable manner. Despite the applicant's mental status or maturity level, the applicant made a mistake which has followed the applicant for almost a decade. Since being discharged from service the applicant has not used any recreational drugs, is a truck driver, and has a spouse and two children. An upgrade would allow the applicant to use the GI Bill to further the applicant's education.

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 of service and the circumstances surrounding the discharge (PTSD, Depression NOS, Unspecified Depressive 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 Board determined the reentry code is proper and equitable and voted not to change it. Please see section 9 for details on the reason.

3. DISCHARGE DETAILS:

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

b. **Date of Discharge:** 5 December 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 29 October 2012

(2) **Basis for Separation:** The applicant was informed of the following reasons: Between 16 June and 16 July 2012, the applicant wrongfully used marijuana.

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

(4) **Legal Consultation Date:** 6 November 2012

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

(6) **Separation Decision Date / Characterization:** 19 November 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 21 July 2010 / 3 years, 19 weeks

b. **Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 105

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 88M10, Motor Transport Operator / 2 years, 4 months, 15 days

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

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

f. **Awards and Decorations:** NDSM, GWOTSM, ASR

g. **Performance Ratings:** NA

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

(1) Developmental Counseling Form, 11 July 2012, for testing positive on a urinalysis.

(2) Electronic Copy of Specimen Custody Document – Drug Testing, 23 July 2012, indicates the applicant tested positive for THC 93 (marijuana) during an Inspection Unit (IU) urinalysis testing conducted on 16 July 2012.

(3) Department of Defense (DOD) Testing Results Portal, 27 July 2012, reflects the applicant tested positive for THC 77 during an Inspection Random (IR) urinalysis testing conducted on 26 June 2012 and for THC 93 during an Inspection Unit conducted on 16 July 2012.

(4) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 29 August 2012, indicates the applicant was found to have wrongfully used marijuana between 16 June and 16 July 2012. The imposed punishment included a reduction to E-1, forfeiture of \$500 pay per month for two months, along with 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: Department of Veterans Affairs (VA), Gulf Coast Veterans Health Care System, 29 September 2021, reflects a psychiatrist treated the applicant since 18 November 2013. The applicant was initially diagnosed with major depressive disorder (MDD), but the applicant actually suffered from bipolar disorder. The applicant's situation was complicated because co-occurring attention deficit hyperactivity disorder (ADHD).

(2) AMHRR provided:

(a) Report of Medical Examination, 3 July 2012, the examining medical physician noted in the comments section: Depression and insomnia.

(b) Report of Mental Status Evaluation (MSE), 25 July 2012, indicates the applicant demonstrated the ability to understand and participate in administrative proceedings. The applicant was diagnosed with adjustment disorder with mixed emotional features and records indicated ADHD. PTSD and mild traumatic brain injury (mTBI) screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider their influence.

(c) Adult preventive and Chronic Care Flow Sheet, from 28 July 2010 to 3 August 2012, reflects the following chronic illnesses: ADHD, depression, cognitive disorder, organic insomnia because of mental disorder, cannabis abuse, and adjustment disorder with mixed emotional features.

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; self-authored statement; third party statement; and VA letter.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has not used recreational drugs, is a truck driver, and has a spouse and two children.

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.

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

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

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

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

(b) 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: RE-1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

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

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

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

b. The available evidence shows the applicant's commander recommended the applicant for separation from the Army for wrongfully using marijuana between 16 June and 16 July 2012.

c. The applicant contends mental health conditions affected behavior, leading to the discharge. The applicant provided several medical documents indicating an initial diagnosis of major depressive disorder; however, the applicant actually suffered from bipolar disorder, complicated by ADHD. The applicant provided a third-party letter from their spouse, which described the applicant's change in behavior after being hazed by members of the applicant's unit to support the applicant's contention. The applicant's AMHRR shows the applicant underwent a medical examination on 3 July 3 July 2012, and the provider noted depression and insomnia. The applicant underwent a mental status evaluation on 25 July 2012, which indicates the applicant was mentally responsible and recognized right from wrong. The applicant was diagnosed with adjustment disorder with mixed emotional features and records indicated ADHD. The separation authority considered the documents in the AMHRR.

d. The applicant contends youth, and immaturity influenced their behavior at the time of discharge. However, the AMHRR confirms the applicant met entrance qualification standards, including age.

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

f. The applicant requests a change to the reentry eligibility (RE) code. Soldiers receive reentry codes during separation based on service records or discharge reasons. Army Regulation 601-210 assigns the applicant an RE code of "4," which is appropriate under the circumstances. An RE code of "4" remains ineligible for waiver, preventing reenlistment.

g. The applicant contends not using recreational drugs, being a truck driver, and having a spouse and two children. 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.

h. The applicant contends an upgrade would provide access to educational benefits through the GI Bill. Eligibility for veterans' benefits, including Post-9/11 or Montgomery GI Bill educational assistance, does not fall under the purview of the Army Discharge Review Board. The applicant should contact a local Department of Veterans Affairs office for further assistance.

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 NOS, Unspecified Depressive Disorder.

(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 PTSD originally claimed as Unspecified Depressive 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 a review of the available information reflects the applicant has BH conditions that mitigates his misconduct as outlined in the BoS. The applicant is 70 percent SC for PTSD which was initially claimed as Depression. Given the nexus between Depression and PTSD and the use of substances to self-medicate the applicant's misconduct characterized by wrongful use of marijuana is mitigated and 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 condition and experience outweighed the listed basis for separation for the aforementioned reasons.

b. Prior Decisions Cited: **N/A**

c. Response to Contentions:

(1) The applicant contends mental health conditions affected behavior, leading to the discharge. The Board considered this contention during proceedings and voted to change the applicant's characterization of service to Honorable because the applicant's PTSD outweighed the applicant's misconduct of marijuana use.

(2) The applicant contends youth, and immaturity influenced their behavior at the time of discharge.

The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD outweighed the applicant's misconduct of marijuana use.

(3) The applicant requests a change to the SPD code.

The Board considered this contention and voted to change the SPD code.

(4) The applicant requests a change to the reentry eligibility (RE) code.

The Board considered this contention and determined that the RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

(5) The applicant contends not using recreational drugs, being a truck driver, and having a spouse and two children.

The Board acknowledged this contention during proceedings.

(6) The applicant contends an upgrade would provide access to educational benefits.

d. The Board determined the discharge is inequitable based on the applicant's length of service and the circumstances surrounding the discharge (PTSD, Depression NOS, Unspecified Depressive 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 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 voted to change the applicant's characterization of service because, after applying liberal consideration of all the evidence before the Board, the applicant's PTSD diagnosis mitigated the offenses. 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.

(3) The Board voted to upgrade 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.

(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

c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN

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d. Change RE Code to: No change

e. Change Authority to: AR 635-200

Authenticating Official:



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