

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

- a. **Application Date:** 5 October 2021
- b. **Date Received:** 12 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.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, completing two tours of duty in Iraq of over 27 months. The applicant was released from the Army in 2011 and did not file a claim until 2018. The applicant was diagnosed with post-traumatic stress disorder (PTSD), and the Department of Veterans (VA) granted the applicant VA benefits.

c. **Board Type and Decision:** In a records review conducted on 16 September 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD and OBHI mitigating the one-time marijuana use. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN, and the reentry code to RE-3. 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, Paragraph 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. **Date of Discharge:** 10 May 2011

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 15 February 2011

(2) **Basis for Separation:** The unit commander notified the applicant, under AR 635-200, Chapter 14, paragraph 14-12c, Commission of a Serious Offense, of the following reasons: The applicant wrongfully used marijuana between 17 October and November 2010.

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

(4) **Legal Consultation Date:** 22 February 2011

**(5) Administrative Separation Board:**

(a) On 22 February 2011, the applicant requested consideration of the case by an administrative separation board.

(b) On 11 March 2011 and 5 April 2011, the applicant received notification to appear before an administrative separation board and was advised of rights.

(c) The administrative separation board convened. The administrative separation board by unanimous decision, determined there was sufficient evidence to support the basis for separation for the applicant, and recommended the applicant be discharged with a general (under honorable conditions) characterization of service.

**(6) Separation Decision Date / Characterization:** 15 April 2011 / General (Under Honorable Conditions) / The separation authority approved the applicant's separation under AR 635-200, paragraph 14-12c, for commission of a serious offense.

#### 4. SERVICE DETAILS:

a. **Date / Reenlistment Under Review:** 8 June 2008 / 4 years

b. **Age at Enlistment / Education / GT Score:** 23 / GED / 91

c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 92Y2O, Unit Supply Specialist / 6 years, 9 months, 13 days

d. **Prior Service / Characterizations:** RA, 28 July 2004 – 9 March 2006 / HD  
RA, 10 March 2006 – 7 June 2008 / HD

e. **Overseas Service / Combat Service:** SWA / Iraq (1 December 2005 – 30 October 2006, 5 December 2007 – 17 February 2009)

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

g. **Performance Ratings:** 1 July 2008 – 30 June 2009 / Successful  
1 July 2009 – 30 June 2010 / Successful

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

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 14 December 2010, indicates the applicant tested positive for THC 21 (marijuana) during an Inspection Unit (IU) urinalysis testing conducted on 16 November 2010.

(2) Army Substance Abuse Program (ASAP) Enrollment Form, 20 December 2010, indicates the applicant was command-referred into the program for testing positive for THC.

(3) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 5 January 2011, indicates the applicant was found to have wrongfully used marijuana between 17 October and 16 November 2010. (The form is missing the punishment page.)

(4) Developmental Counseling Form, 18 January 2011, document the applicant testing positive for THC and the applicant pending separation.

(5) Commander's Report reflects the applicant received a Field Grade Article on 15 February 2011 for wrongfully using marijuana. The imposed punishment included a reduction to E-4, forfeiture of \$1,146 pay (suspended), and 45 days of extra duty and restriction. (The record is void of the third page of the document.)

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 Rating Decision, 11 September 2019, reflects the applicant VA rated the applicant 70 percent service-connected disabled for other specified trauma and stressor-related disorder and cannabis use disorder (claimed as trouble sleeping and anxiety).

(2) **AMHRR provided:**

(a) Report of Behavioral Health Evaluation (BHE), 5 January 2011, indicates the applicant was cleared for administrative action. The applicant demonstrated the ability to understand and participate in administrative proceedings, was mentally responsible, and met medical retention requirements. Based on multiple provider assessments, the applicant did not have post-traumatic stress disorder. The applicant was diagnosed with adjustment disorder.

(b) Report of Medical History, 4 February 2011, reflects the medical examiner noted in the comments section: Treated for chronic back pain, traumatic brain injury because of improvised explosive device, depression, anxiety, and insomnia.

(c) Report of Medical Examination, 8 February 2011, reflects the medical examiner noted in the summary of defects and diagnoses section: depression, insomnia, and anxiety

5. **APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; VA Rating Decision.

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted with the application.

7. **STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. 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 waiverable. Eligibility: Ineligible unless a waiver is granted.
- RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

**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)** 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.

**(c)** 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.

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. 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 unit commander notified the applicant for separation, under AR 635-200, Chapter 14, paragraph 14-12c, Commission of a Serious Offense, for wrongfully using marijuana between 17 October and November 2010.

c. Based on the applicant's AMHRR, someone in the discharge process erroneously entered in the applicant's DD Form 214, block 25, "AR 635-200, Para 14-12c(2)." The discharge packet confirms the separation authority approved the discharge under the provisions AR 635-200, Chapter 14, Paragraph 14-12c, Commission of Serious Offense. Army Regulations state a Soldier separated under this provision will receive a narrative reason of Misconduct (Serious Offense) and a Separation Code of "JKQ."

d. The applicant contends being diagnosed with PTSD and receiving VA benefits. The applicant provided a VA Rating Decision reflecting the VA rated the applicant 70 percent service-connected disabled for other specified trauma and stressor-related disorder and cannabis use disorder (claimed as trouble sleeping and anxiety). The applicant AMHRR shows the applicant underwent a BHE on 5 January 2011, indicating the applicant was mentally responsible. Based on multiple provider assessments, the applicant did not have PTSD. The applicant was diagnosed with adjustment disorder. The applicant underwent a medical examination, reflecting the medical examiner noted the applicant was treated for chronic back pain, TBI because of an IED, depression, anxiety, and insomnia.

**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.** 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, Mood Disorder, Anxiety Disorder NOS, Depressive Disorder, Adjustment 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 Mood Disorder and was diagnosed with several BH conditions during service.

(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 the misconduct as

outlined in the BoS. Given the nexus between Mood Disorder and the use of substances to self-medicate, the applicant misconduct characterized by wrongful use of marijuana is mitigated. Therefore, upgrade based on medical mitigation is supported.

**(4)** Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's PTSD and OBHI outweighed the marijuana use basis for separation for the aforementioned reason(s).

**b.** Response to Contention(s): The applicant contends being diagnosed with PTSD and receiving VA benefits. The Board determined that this contention was valid and voted to upgrade the characterization of service due to PTSD/OBHI mitigated the applicant's marijuana use charges.

**c.** The Board determined the discharge is inequitable based on the applicant's PTSD and OBHI mitigating the one-time marijuana use.

**d.** 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 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.

**(3)** The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

**(4)** The Board voted to change the RE code to RE-3.

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

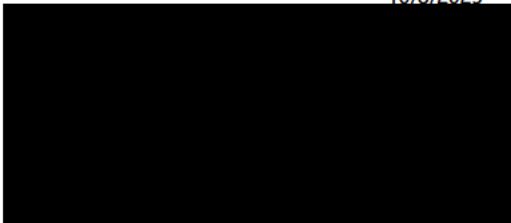
**AR20220001425**

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: RE-3
- e. Change Authority to: AR 635-200, paragraph 14-12a

**Authenticating Official:**

10/8/2025



**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