

1. Applicant's Name: [REDACTED]

a. **Application Date:** 19 October 2021

b. **Date Received:** 25 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, to have been an awesome Soldier, assigned to Colonel F. and Command Sergeant Major B. at Fort Lewis. Between 2009 and 2010, during the deployment, the applicant began having issues with the applicant's back and knees. The applicant was prescribed medication for pain and proceeded to use the medication more and more often. The command sent the applicant to rehabilitation because the applicant developed an addiction to the medication. The rehabilitation helped, but nothing would make the pain go away. The applicant does not blame anyone other than the applicant. The applicant believes the applicant should have made better choices and tried harder for the unit, the Army, and the country. The applicant must live with disappointing several people. The discharge is the applicant's punishment for the choices the applicant made. The applicant has been receiving treatment from a Department of Veterans Affairs (VA) every three months and is doing well, staying clean and focused. The applicant purchased a home, has a good job, and is a terrific artist. The applicant thanks God daily. The applicant was discharged for drug abuse three months before an honorable discharge. The applicant openly admitted to having an addiction. The applicant requests consideration for an upgrade, which would allow the applicant to use the GI Bill.

c. **Board Type and Decision:** In a records review conducted on 17 March 2026, 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, and the circumstances surrounding the discharge (PTSD diagnoses). 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. 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:** 18 December 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 20 November 2012

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant was found in possession of Oxycodone and resisted when civilian officers attempted to restrain the applicant.

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

(4) Legal Consultation Date: On 20 November 2012, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 26 November 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 21 August 2008 / 3 years, 17 weeks / The applicant extended the most recent enlistment by a period of 16 months on 1 September 2011 for contingency deployment conditions with incentives, giving the applicant a new expiration term of service (ETS) of: 17 April 2013.

b. Age at Enlistment / Education / GT Score: 27 / Bachelor's Degree / 101

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 4 years, 3 months, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (3 December 2011 – 22 January 2012), Iraq (8 August 2009 – 10 July 2010)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Woodland Police Department Case Report, 18 May 2012, reflects the applicant was arrested for violating the health and safety code by being under the influence of a controlled substance. Investigation revealed emergency medical personnel had responded to the hotel room of the applicant and their spouse after the applicant was found unresponsive. Upon arrival the first responders advised officers there was evidence of possible drug use by the applicant. When the applicant regained consciousness, the applicant began yelling and flailing the applicant's arms. The firefighter, paramedic, and police officer were able to restrain the applicant. Incident to the arrest, the authorities requested the applicant submit to a blood or urine test to determine the presence of drugs in the applicant's body; however, the applicant refused. Further investigation revealed an officer found a blue pill in the hotel room, later revealed by poison control to be oxycodone. The applicant denied knowing anything about the blue pill. The applicant was admitted into the hospital and the medical personnel performed a drug test. An officer in the case indicated the applicant's toxicology report showed the applicant was not under the influence of a controlled substance.

(2) Developmental Counseling Form, 11 June 2012, for failing to report to formation.

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) Malcom Randall VA Medical Center letter, 4 October 2021, reflects the applicant was under psychiatric care since 31 July 2013 for treatment of substance use disorder (SUD), post-traumatic stress disorder (PTSD), and generalized anxiety disorder (GAD). The applicant demonstrated a commitment to recovery and compliance with treatment, progress in life affairs, remained gainfully employed, and shown to be a person of good character.

(2) **AMHRR provided:** Madigan Army Medical Center, memorandum for record, 12 June 2012, reflects the applicant was scheduled to be admitted to Freedom Care Treatment Program on 15 June 2012 for management of Substance Use Disorder in a 28-day residential rehabilitation program. After completion of the program the applicant was to remain enrolled in Army Substance Abuse Program (ASAP) for a minimum of six months.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Malcom Randall VA Medical Center letter; and photo of military coins.

6. POST SERVICE ACCOMPLISHMENTS: The applicant is clean and focused, purchased a home, has a good job, and is a terrific artist.

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 600-85, (The Army Substance Abuse Program), paragraph 10-12a defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes information concerning drug or alcohol abuse or possession of drugs incidental to personal use, including the results of a drug or alcohol test, collected as a result of a Soldier's emergency medical care solely for an actual or possible alcohol or other drug overdose.

f. Army Regulation 15-180 (Army Discharge Review Board), 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.

g. 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.

h. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 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 3-5c, 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.

(d) Paragraph 3-8a states a Soldier is entitled to an honorable characterization of service if limited-use evidence (see AR 600-85) is initially introduced by the Government in the discharge proceedings, and the discharge is based upon those proceedings. The separation authority will consult with the servicing Judge Advocate in cases involving limited use evidence.

(e) 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. 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.

i. 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 applicant's commander recommended the applicant for separation from the Army because the applicant was found in possession of oxycodone and resisted when civilian police officers attempted to restrain the applicant.

c. The applicant's separation packet includes a Notification of Separation memorandum, reflecting the applicant was discharged because of possession of oxycodone and resisting when civilian officers attempted to restrain the applicant. Evidence in the applicant's AMHRR reveals the information concerned drug abuse or possession of drugs incidental to personal use, collected as a result of the applicant's emergency medical care solely for an actual or possible drug overdose. The government incorporated this document into the discharge process. AR 600-85 defines this information as limited-use information. Regulations mandate use of this information requires awarding an honorable discharge.

d. The applicant contends an addiction to medication, prescribed for an injury, led to the discharge, and the VA is treating the applicant for mental health conditions. The applicant provided a letter from VA, reflecting the VA has been treating the applicant for SUD, PTSD, and GAD since 31 July 2013. The applicant's AMHRR reflects the applicant was admitted to a 28-day treatment rehabilitation program on 15 June 2012 for substance use disorder. The AMHRR is void of a mental status evaluation.

e. The applicant contends good service, including a two combat tours. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

f. The applicant contends staying clean and focused, purchasing a home, having a good job, and being a terrific artist. 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.

g. 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 and TBI

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant is 90% SC with 70% SC for PTSD

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that the applicant requests relief for their misconduct citing addiction, pain, and PTSD. During service, the applicant deployed Iraq and Afghanistan. While in Afghanistan, they were MEDEVAC'd related to inhalant use. They received extensive MH and SUDCC treatment, to include IOP, while in service. They were diagnosed with Opioid Dependence, Inhalant Abuse, Adjustment Disorder with Anxiety, and PTSD from childhood. Throughout the notes, providers wrote how the applicant reported using various substances to help with sleep and to relieve symptoms of anxiety, depression, and anger. After service, the applicant is 90% SC with 70% SC for PTSD. Of note, the applicant fell and hit their head in the bathtub during the events that led to their discharge. Given the nexus between PTSD, substance use as a form of self-medication, their altered mental state from the head injury and substance use, and resisting the police officers, the misconduct is medically mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the PTSD outweighed the drug abuse

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends an addiction to medication, prescribed for an injury, led to the discharge, and the VA is treating the applicant for mental health conditions. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's Drug abuse offense. Therefore, a discharge upgrade is warranted

(2) The applicant contends good service, including a two combat tours. The Board considered the applicant's length and quality of service during deliberations.

(3) The applicant contends staying clean and focused, purchasing a home, having a good job, and being a terrific artist. The Board considered the applicant's post service accomplishments and recognized the applicant's growth post service.

(4) The applicant contends an upgrade would provide access to educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board.

Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

d. The Board determined: The Board found the discharge inequitable because the applicant's misconduct was fully mitigated by a severe Behavioral Health (BH) condition. The Board's Medical Advisor established a clear nexus between the applicant's actions and diagnosed conditions. Their history of PTSD, coupled with in-service Opioid Dependence and Inhalant Abuse, was viewed as self-medication for anxiety, depression, and anger. Furthermore, an altered mental state from a head injury and substance use at the time of the incident directly mitigated the specific misconduct of resisting police. Considering the medical opinion alongside the applicant's length, quality, two combat deployments and post service accomplishments, the Board granted relief, upgrading the discharge to Honorable (HD) and changing the Separation Code to JKN. The Board voted not to change the Reentry (RE) Code, finding it to be proper and equitable.

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 Post Traumatic Stress Disorder outweighed the applicant's misconduct of drug abuse. 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.

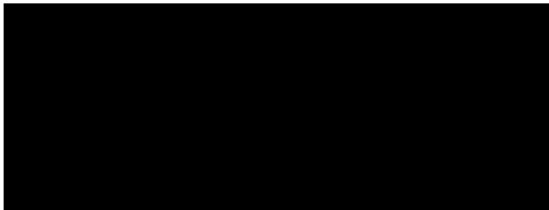
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- 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:

3/19/2026



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