

1. **Applicant's Name:** [REDACTED]
- a. **Application Date:** 7 October 2021
- b. **Date Received:** 13 October 2021
- c. **Counsel:** [REDACTED]

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, through counsel, an upgrade to honorable, along with a narrative reason, separation program designator (SPD) code and reentry (RE) code change.

b. **Applicant Contention(s)/Issue(s):** The applicant's counsel requests relief contending, in effect, the applicant's discharge was inequitable because the applicant's service-connected Post-Traumatic Stress Disorder (PTSD) was a mitigating factor that was not considered in determining the applicant's characterization of service. The applicant's noncommissioned officer (NCO) provided the applicant with the drugs and the NCO was allowed to remain in the Army.

c. **Board Type and Decision:** In a records review conducted on 28 October 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (PTSD diagnosis), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the 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 **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:** 21 August 2008

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 22 July 2008

(2) **Basis for Separation:** At or near Schofield Barracks, Hawaii, between on or about 14 April 2008 and 21 April 2008, the applicant wrongfully used cocaine, a schedule II, controlled substance.

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

(4) Legal Consultation Date: On 23 July 2008, the applicant expressly declined the opportunity to consult with legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 30 July 2008 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 22 July 2004 / 6 years

b. Age at Enlistment / Education / GT Score: 18 / HS Graduate / 121

c. Highest Grade Achieved / MOS / Total Service: E-4 / 25S1O, Satellite Communication Systems Operator-Maintainer / 4 years, 1 month

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq, 31 July 2006 – 24 October 2007

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) DA Form 4856 (Developmental Counseling Form), 5 May 2008, reflects the applicant was counseled for failure to adhere to U.S. Army Drug/Substance Abuse Policies. On 21 April 2008, the applicant's company had a 100 percent urinalysis. The results of this urinalysis showed the applicant tested positive for cocaine.

(2) Field Grade Article 15, 22 May 2008, reflects the applicant wrongfully used cocaine between on or about 14 April 2008 and 21 April 2008. The punishment included reduction to the grade of E-1, forfeiture of \$670 pay per month for two months, 45 days extra duty, and 45 days restriction to the limits of Scholefield Barracks, HI.

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: A letter from the Department of Veterans Affairs (VA), Clinical Social Worker, Psychotherapist, 23 January 2023, which states the applicant carries a diagnosis of PTSD and it has been determined by the applicant's VA provider that the diagnosis is military related.

(2) AMHRR provided: Report of Mental Status Evaluation (MSE), 8 July 2008, shows there was no evidence of a psychiatric condition which would prevent the applicant from participating in any legal or administrative actions. The applicant was diagnosed with adjustment disorder. The applicant met the retention requirements of AR 40-501 (Standards of Medical

Fitness), chapter 3 and did not meet the criteria for a psychiatric medical evaluation board (MEB). The Clinical Social Worker noted the applicant was mentally responsible for the applicant's behavior, could distinguish right from wrong, and possessed sufficient mental capacity to understand and participate in any administrative or judicial proceedings.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, 7 October 2021; Applicant Statement; DD Form 214; Character Letter from First Sergeant G_H_; Certificates (3); DD Form 293, 23 June 2023 and legal brief with all listed exhibits A through I

6. POST SERVICE ACCOMPLISHMENTS: The applicant received an Associate of Science in Culinary Arts, an Associate in Science – General Studies: Emphasis in Science and Mathematics, and a Certificate from the Department of Transportation, Federal Aviation Administration showing the applicant was found properly qualified to exercise the privileges of private pilot.

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

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

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.
- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.
- RE-4 Applies to: Person separated from last period of service with a nonwaivable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

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

(b) A general discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c(2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation under paragraph 14-12a or 14-12b as appropriate.

(3) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

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

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

a. The applicant requests, through counsel, an upgrade to honorable, along with a narrative reason, separation program designator (SPD) code and reentry (RE) code change.

The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's counsel requests the applicant's narrative reason, SPD code, and RE code be change. The applicant was separated under the provisions of AR 635-200, Chapter 14-12c(2), with a General (Under Honorable Conditions) discharge and a RE code of "4." The narrative reason specified by Army Regulations for a discharge under this chapter is "Misconduct (Drug Abuse)" and the separation code is "JKK." AR 635-8, Separation Documents governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in table 2-2 or 2-3 of AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation stipulates no deviation is authorized. There is no provision for any other reason or SPD code to be entered under this regulation. 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.

c. The applicant's counsel contends the applicant's discharge was inequitable because the applicant's service-connected PTSD was a mitigating factor that was not considered in determining the applicant's characterization of service. The applicant's AMHRR reflects and in-service diagnosis adjustment disorder. The applicant underwent a MSE on 8 July 2008, which reflects, in part, there was no evidence of a psychiatric condition which would prevent the applicant from participating in any legal or administrative actions. The applicant did not meet the criteria for a psychiatric MEB, in accordance with AR 40-501, chapter 3. The examining official stated the applicant was mentally responsible for the applicant's behavior, could distinguish right from wrong, and possessed sufficient mental capacity to understand and participate in any administrative or judicial proceedings. The applicant provides a letter from VA, Clinical Social Worker, Psychotherapist, 23 January 2023, which states the applicant carries a diagnosis of PTSD and it has been determined by the applicant's VA provider that the diagnosis is military related.

e. The applicant's counsel contends the applicant's NCO provided the applicant with the drugs and the NCO was allowed to remain in the Army. The applicant's AMHRR did not contain evidence of this contention, and the applicant did not provide any.

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: Anxiety Disorder, Adjustment Disorder

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 50 percent SC for Anxiety Disorder and diagnosed with Adjustment Disorder during service.

(3) Does the condition or experience actually excuse or mitigate the discharge?
Unknown. The Board's Medical Advisor applied liberal consideration and opined that a review

of the available information shows the applicant has a BH condition that potentially mitigates his misconduct as outlined in the BoS. The applicant has 50 percent SC for Anxiety Disorder and was purportedly diagnosed with Adjustment Disorder during service (associated treatment record not in the EMR). While there is a nexus between anxiety disorder and the use of substances to self-medicate, records are not clear as to whether the applicant's anxiety disorder predated his drug use or developed after having to deal with consequences of his drug use. The medical advisor cannot make the determination, due to neither the C&P examination nor treatment record related to the Adjustment Disorder diagnosis is available for review. In absence of this information mitigation cannot be determined.

(4) Does the condition or experience outweigh the discharge? **Yes.** Notwithstanding the advisory opinion, the Board determined that sufficient mitigating factors exist to warrant an upgrade of the applicant's discharge characterization. The Board considered the applicant's overall record of service, the circumstances surrounding her separation, and the principles of equity, fairness, and clemency.

b. Response to Contentions:

(1) The applicant's counsel contends the applicant's discharge was inequitable because the applicant's service-connected PTSD was a mitigating factor that was not considered in determining the applicant's characterization of service. The medical advisor cannot make the determination, due to neither the C&P examination nor treatment record related to the Adjustment Disorder diagnosis is available for review

(2) The applicant's counsel contends the applicant's NCO provided the applicant with the drugs and the NCO was allowed to remain in the Army. The Board considered this contention but found insufficient evidence in the applicant's AMHRR or applicant-provided evidence other than the applicant's contention.

c. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (PTSD diagnosis), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the 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.

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 determined the discharge is inequitable based on medical/BH mitigation for the Basis of separation.

(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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220001988**

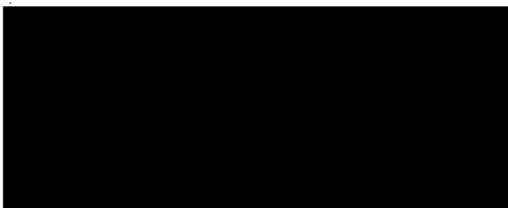
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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
- d. Change RE Code to: No change
- e. Change Authority to: AR 635-200

Authenticating Official:

12/9/2025

**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