

1. Applicant's Name: [REDACTED]**a. Application Date:** 27 October 2021**b. Date Received:** 17 November 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable and a change of their separation code and the narrative reason for separation.

(2) The applicant, through counsel, seeks relief contending since their discharge they have been diagnosed with Post Traumatic Stress Disorder (PTSD) and have received a 70-percent disability rating from the Department of Veterans Affairs (VA). Their discharge was improper as they were denied due process and a failure to initiate separation under Army Regulation 635-200 (Active Duty Enlisted Administrative Separations). Their discharge was inequitable due to their length and quality of service and contradictory to their prior leadership recommendations and the failure to recognize PTSD as a major contributing factor to their misconduct.

(3) At no time when ordered to complete a sworn statement, they were not advised of their Article 31 rights. Military Rule of Evidence 304 and Article 31(b) prevent the use of involuntary statements as being admitted against the accused. Therefore, all prior statement made by them should have been suppressed. Unaware of their right, they filled out a sworn statement implicating themselves as having used hashish hours earlier and provided it to their chain of command. They were advised by numerous members of their chain of command that hard labor and reduction in rank would be the only punishment as a result of their guilty plea. On 20 July 2012 a Preliminary Summary Court Martial proceeding was held and without counsel present they pled guilty to Wrongful Use of Marijuana and was sentenced to a reduction in rank and hard labor for 45 days. They were subjected to a nine month wait to initiate the separation process, during this time they established themselves as a valuable member of the Army as evidenced by their leadership recommendations during the separation process. They should not have to suffer the adverse consequences of involuntary separation only because the Army failed to recognize it's mistake after nearly nine months.

(4) They served Honorably up until the time they experienced their first combat action. They continued to serve honorably after their Article 15 proceedings. Nearly two years after their discharge there were awarded a 70-percent disability rating by the VA for PTSD. The Board is required to give liberal consideration to them due to the fact their PTSD was a likely factor not only in their misconduct, but in their decision to waive applicable rights as part of the Article 15, proceedings.

(5) For the reasons above, the Board should upgrade the character of discharge from General (Under Honorable Conditions) to Honorable and change the narrative reason for discharge from Misconduct (Drug Abuse) to a more appropriate less derogatory narrative, such as Secretarial Authority.

b. Board Type and Decision: In a records review conducted on 22 August 2025, and by a 5-0 vote, the Board determined the narrative reason for the applicant's separation is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (service-connected PTSD and TBI diagnosis), and post-service accomplishments. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board determined the RE code was proper and equitable and voted not to change it.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 13 May 2013

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 2 April 2013

(2) Basis for Separation: wrongfully used marijuana in hashish, on or about 15 June 2012, while deployed to Afghanistan.

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

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 23 April 2013, General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 15 March 2011 / 4 years, 16 weeks

b. Age at Reenlistment / Education / GT Score: 20 / HS Graduate / 106

c. Highest Grade Achieved / MOS / Total Service: E-3 / 11B1P, Infantryman / 2 years, 1 month, 29 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (18 March 2012 – 4 September 2012)

f. Awards and Decorations: ACM-CS, ARCOM, NDSM, GWTSM, ASR, NATOMDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DD Form 2329 (Record of Trial by Summary Court-Martial) dated 20 July 2012 reflects at a preliminary proceeding held on 20 July 2012, the summary court-martial gave the applicant a copy of the charge sheet. The preliminary proceedings the summary court-martial informed the applicant of their rights. The applicant, after being given a reasonable time to decide, did not object to trial by summary court-martial. The applicant was not represented by counsel. The applicant's charge was violation of Article 112a (Wrongful Use of Controlled Substances), Uniform Code of Military Justice (UCMJ), in that they, did, at or near Joint Security Station Hasan, Afghanistan, on or about 15 June 2012, wrongfully use marijuana in hashish form. The applicant pled guilty and the findings reflect guilty. The applicant's sentence consisted of a reduction from private two/E-2 to private/E-1 and hard labor for 45 days.

(2) A memorandum, Delta Company, 1st Battalion, 504th Parachute Infantry Regiment, 1st Brigade Combat Team, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 2 April 2013, reflects the applicant received notification of the initiation of separation action against them from their company commander for Abuse of Illegal Drugs. The reason for the proposed separation action is wrongfully used marijuana in hashish form, on or about 15 June 2012, while deployed to Afghanistan. The company commander recommended the applicant's service be characterized as General (Under Honorable Conditions). On the same date the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(3) A memorandum, Delta Company, 1st Battalion, 504th Parachute Infantry Regiment, subject: Delta Company, 1st Battalion, 504th Parachute Infantry Regiment Command Team Recommendation for [Applicant], Private Two/E-2 D____ and Private Two/E-2 M____, dated 16 April 2013, reflects the applicant's command team recommendation for the three Soldiers to receive a suspended separation, for a period of three months, for the events that took place on/around July of 2012 in Afghanistan. The commander and first sergeant state –

(a) The process of handling a drug related offense was not followed. This chapter separation process should have been initiated immediately following the incident in July 2012; however, it was not initiated until March 2013, approximately nine months following the incident. This case was never mentioned upon the change of command on 29 August 2012. Throughout Reintegration I, the company commander was operating under the assumption that these three Soldiers were retained following their punishment in Afghanistan. Once they were informed that the three Soldiers had not gone through the chapter separation process, they immediately initiated chapter proceedings, in accordance with Army Regulation 635-200, paragraph 14-12c.

(b) Since taking command on 29 August 2012, the three Soldiers' performance has been outstanding. All three Soldiers took part in Dog Fest, a rigorous physical fitness competition, knowing that they could have been excused because of their status of pending separation. All three Soldiers have a strong desire to remain in the Army.

(c) The command team has counseled the three Soldiers on their recommendation, highlighting the reason. The Soldiers were additionally counseled that if the commander and first sergeant had been the command team at the time of the event, the chapter separation process would have immediately been initiated with a recommendation of separation. The command team's recommendation of a suspended separation for a period of three months is based on the time these three Soldiers have already spent proving they deserve to remain in the Army, which will total a 12 month period.

(4) A memorandum, Delta Company, 1st Battalion, 504th Parachute Infantry Regiment, 1st Brigade Combat Team, subject: Commander's Report – Proposed Separation under Army

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220002290

Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, dated 23 April 2013, reflects the applicant's company commander recommended the applicant be separated, but that the separation be suspended for a period of three months (not to exceed 12 months) from the Army prior to the expiration of their current term of service. The company commander does not consider it feasible or appropriate to accomplish other disposition as the applicant's retention will have an adverse impact on unit morale and readiness.

(5) A memorandum, Headquarters, 1st Battalion, 504th Parachute Infantry Regiment, 1st Brigade Combat Team, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 23 April 2013, reflects the applicant's battalion commander recommended the applicant be separated, but that the separation be suspended for a period of three months (not to exceed 12 months).

(6) A memorandum, Headquarters, 1st Brigade Combat Team, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 23 April 2013, reflects the separation authority reviewed the separation packet and after careful consideration of all matters, directed the applicant be separated from the Army prior to the expiration of their current term of service. with a characterization of General (Under Honorable Conditions). After reviewing the rehabilitative transfer requirement, they determined the requirements do not apply to this action.

(7) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 13 May 2013, with 2 years, 1 month, and 29 days of net active service this period. The DD Form 214 show in –

- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKK
- item 27 (Reentry Code) - 4
- item 28 (Narrative Reason for Separation) – Misconduct (Drug Abuse)

i. Lost Time / Mode of Return: NA

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Forms 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Counsel's letter with five attachments
 - Applicant's Case Files for Approved Separations
 - Applicant's and Private Two/E-2 M_____s Affidavits
 - Applicant's Personal Statements attesting to their Honorable service and their accomplishment after their discharge
 - 3rd Party Character References
 - Counsel's Brief

6. POST SERVICE ACCOMPLISHMENTS: none submitted with the application.

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 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. Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to VA determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) effective 6 September 2011, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, and the general provisions governing the separation of Soldiers before expiration term of service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(1) 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.

(2) 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.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. 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) (Abuse of Illegal Drugs is Serious Misconduct), stated, however; 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. 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.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c(2), misconduct (drug abuse).

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 DoD Instructions 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:

(1) 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.

(2) 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.

(3) 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 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement.

h. Manual for Courts-Martial, United States (2012 Edition) stated, military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the Armed Forces.

(a) Rule 305 (Warnings About Rights) General Rule – a statement obtained in violation of this rule is involuntary and shall be treated under Military Rule of Evidence 304. Warning concerning the accusation, right to remain silent, and use of statements – a person subject to the code who is required to give warnings under Article 31 may not interrogate or request any statement from an accused or a person suspected of an offense without first: informing the accused or suspect of the nature of the accusation; advising the accused or suspect that the accused or suspect has the right to remain silent; and advising the accused or suspect that any statement made may be used as evidence against the accused or suspect in a trial by court-martial. Subparagraph f(1) (The Privilege Against Self-Incrimination) stated if a person chooses to exercise the privilege against self-incrimination under this rule, questioning must cease immediately.

(b) Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 112a (Wrongful Use, Possession, etc., of Controlled Substances).

i. Military Rule of Evidence 304, General Rule – if the accused makes a timely motion or objection under this rule, an involuntary statement from the accused, or any evidence derived therefrom, is inadmissible at trial. Definition of “Involuntary statement” means a statement obtained in violation of the self-incrimination privilege or Due Process Clause of the Fifth Amendment to the United States Constitution, Article 31, or through the use of coercion, unlawful influence, or unlawful inducement.

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence reflects as the applicant pled guilty and was found guilty during a summary court-martial in violation of Article 112a (Wrongful Use, Possession, etc., of Controlled Substances) and was involuntarily discharged from the U.S. Army. Their DD Form 214 provides they were discharged with a character of service of General (Under Honorable Conditions) for misconduct (drug abuse). They completed 2 years, 1 month, and 29 days of net active service and did not complete their first full term of service of their 4-year, 36-week enlistment obligation.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense; to include abuse of illegal drugs; and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is 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.

d. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD, nor did the applicant provide evidence of a diagnosis of PTSD, during their military service.

e. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

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, mild TBI.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection for PTSD with mild TBI establishes nexus with active 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 the applicant has two mitigating BH conditions, PTSD and TBI. As both conditions are associated with self-medication with alcohol and/or illicit drugs, there is a nexus between these conditions and the applicant's wrongful use of marijuana (hashish)

(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 condition or experience outweighed the basis of separation.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends since their discharge they have been diagnosed with PTSD and have received a 70-percent disability rating from the VA. The Board considered this contention to be valid and voted to upgrade the discharge due to PTSD and TBI mitigating use of illegal substances (Hashish).

(2) The applicant contends their discharge was improper as they were denied due process and a failure to initiate separation under Army Regulation 635-200 in a timely manner. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's PTSD and TBI fully outweighing the applicant's drug abuse basis for separation.

(3) The applicant contends their discharge was inequitable due to their length and quality of service and contradictory to their prior leadership recommendations and the failure to recognize PTSD as a major contributing factor to their misconduct. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's PTSD and TBI fully outweighing the applicant's drug abuse basis for separation.

(4) The applicant contends at no time when ordered to complete a sworn statement, they were not advised of their Article 31 rights. Military Rule of Evidence 304 and Article 31(b) prevent the use of involuntary statements as being admitted against the accused. Therefore, all prior statement made by them should have been suppressed. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's PTSD and TBI fully outweighing the applicant's drug abuse basis for separation.

(5) The applicant contends they were advised by numerous members of their chain of command that hard labor and reduction in rank would be the only punishment as a result of their guilty plea. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's PTSD and TBI fully outweighing the applicant's drug abuse basis for separation.

(6) The applicant contends they were subjected to a nine month wait to initiate the separation process, during this time they established themselves as a valuable member of the Army as evidenced by their leadership recommendations during the separation process. They should not have to suffer the adverse consequences of involuntary separation only because the Army failed to recognize its mistake after nearly nine months. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade

being granted based on the applicant's PTSD and TBI fully outweighing the applicant's drug abuse basis for separation.

(7) The applicant contends the Board is required to give liberal consideration to them due to the fact their PTSD was a likely factor not only in their misconduct, but in their decision to waive applicable rights as part of the Article 15, proceedings. The Board considered this contention and voted to upgrade the discharge due to PTSD and TBI mitigating use of illegal substances (Hashish).

d. The Board determined: The Board found sufficient evidence of in-service mitigating factors (Length, Combat, Quality) and concurred with the conclusion of the medical advising official that the applicant has two mitigating BH conditions, PTSD and TBI. As both conditions are associated with self-medication with alcohol and/or illicit drugs, there is a nexus between these conditions and the applicant's wrongful use of marijuana (hashish). Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and warranted an upgrade

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD outweighed the applicant's misconduct of drug abuse. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Secretarial Authority under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

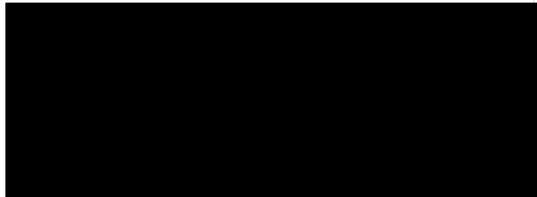
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Secretarial Authority/JFF
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, Chapter 15

Authenticating Official:

10/1/2025



Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

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