

1. Applicant's Name: [REDACTED]**a. Application Date:** 23 December 2021**b. Date Received:** 28 December 2021**c. Counsel:** NA**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 narrative reason for separation.

(2) The applicant seeks relief contending they have been diagnosed with Post Traumatic Stress Disorder (PTSD) with Opiate Abuse and those issues are directly related to the nature of their discharge. They were discharged due to opiate abuse because they were told regularly not to go to Mental Health, so they turned to self-medication.

b. Board Type and Decision: In a records review conducted on 20 August 2025, and by a 4-1 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 (Adjustment Disorder, Opioid Dependence, Alcohol Dependence, combat PTSD). 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, with no change to the narrative reason for separation, the separation code or reentry code. Please see Section 9 of this document for more detail regarding the Board's decision. (Board member names available upon request).

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: 16 November 2012**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 10 October 2012

(2) **Basis for Separation:** between on or about 16 April 2012 and on or about 18 April 2012, wrongfully used Oxycodone and Oxymorphone.

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

(4) **Legal Consultation Date:** 11 October 2012

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

(6) Separation Decision Date / Characterization: 2 November 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Reenlistment:** 4 November 2009 / 4 years, 25 weeks
- b. **Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 120
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 92G10, Food Service Operation Specialist / 3 years, 13 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** SWA / Afghanistan (8 February 2011 – 31 January 2012)
- f. **Awards and Decorations:** AAM-2, NDSM, ACM-2CS, GWTSM, ASR, OSR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) A Police Department Incident Report dated 2 June 2012 reflects the applicant as the named suspect in violation of the offense of Public Intoxication. The Report Narrative states on 2 June 2012 at 0201 hours, a police officer responded to a Public Intoxication and contact was made with the applicant in the parking lot of the business where they were yelling profane language at one of their companions. They were asked several times to be quiet while a cab was being called to assist with getting them and their companion home. The applicant had a strong odor of intoxicating beverage about their person, as was very unsteady on their feet. They were advised to have a seat while a cab was called. They continued to yell and use profane language after being instructed several times to not behave in such a manner. The applicant created a disturbance in the parking lot and ignored all instructions to cease. They were taken into custody for the noted offense and transported to booking.

(2) A Military Police Report dated 2 June 2012 reflects the applicant as the named subject in violation of Public Intoxication. The applicant's previous offenses are shown as two occurrences of Controlled Substance Violations, Opiates – determined by urinalysis test and other than urinalysis test (Article 112a, Uniform Code of Military Justice (UCMJ)).

(3) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ, dated 18 June 2012, reflects the applicant received nonjudicial punishment, in that they, did, at or near Fort Campbell, KY, between on or about 16 April 2012 and on or about 18 April 2012, wrongfully use Oxycodone and Oxymorphone, schedule II-controlled Substances, in violation of Article 112a, UCMJ. Their punishment consisted of a reduction from specialist/E-4 to private/E-1, forfeiture of \$745.00 pay for two months, suspended to be automatically remitted if not vacated before 21 December 2012; and an oral reprimand. The applicant elected not to appeal.

(4) A DA Form 2627-2 (Record of Supplementary Action under Article 15, UCMJ) dated 21 August 2021, reflects the applicant's Vacation of Suspension. The suspension of the punishment of forfeiture of \$745.00 pay for two months is thereby vacated. The vacation is based on the offense, in that they, did, at or near Fort Campbell, KY, on or about 11 July 2012, with intent to deceive, make to a Noncommissioned Officer, an official statement, to wit: Army

CAP class had to be extended due to a storm, which statement was totally false, and was then known by the applicant to be so false, in violation of Article 107, UCMJ.

(5) A memorandum, Echo Company, 7th Battalion, 101st Aviation Regiment, subject: Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 10 October 2012, reflects the applicant receive notification of the initiation of separation action against them from their company commander for Misconduct – Abuse of Illegal Drugs. The reason for the proposed separation action is described above in paragraph 3c (2). The company commander recommended the applicant's service be characterized as General (Under Honorable Conditions). On the same day, the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(6) A memorandum, Echo Company, 7th Battalion, 101st Aviation Regiment, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct – Abuse of Illegal Drugs, (Applicant), dated 10 October 2012, reflects the applicant's company commander's recommendation to separate them from the Army prior to the expiration of their current term of service. The commander states they do not consider it feasible or appropriate to accomplish other disposition as retaining the applicant tested positive for oxycodone and oxymorphone on a urinalysis given on 18 April 2012. Their actions are detrimental to the readiness and cohesion of the company. The applicant needs to be discharged immediately. The commander states the applicant was arrested on 2 June 2012 for public intoxication. The separation does not involve a medical condition that is related to the sexual assault, to include PTSD. The separation is in the best interest of the Army.

(7) On 11 October 2012 the applicant completed their Election of Rights acknowledging they have been given the opportunity to confer with counsel and waive their right to consult with an attorney. The elected not to submit statements on their behalf. [Note: only page 1 is in evidence for review.]

(8) In the applicant's memorandum, subject: Letter for Chapter Packet, dated 15 October 2012, they stated they feel that one negative should not undo all the positives they have done both in garrison, as well as during deployment. They don't want this one mistake to keep them from bettering themselves for the rest of their life. Their goal is to be a registered nurse so they can help those who can't help themselves. They understand they messed up, but to please take into account all the positive things they have done.

(9) A memorandum, 7th Battalion, 101st Aviation Regiment, 159th Combat Aviation Brigade, subject Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 18 October 2012, reflects the applicant's battalion commander recommended the applicant be separated from the Army prior to the expiration of their current term of service. They recommended the applicant's service be characterized as General (Under Honorable Conditions).

(10) A memorandum, 159th Combat Aviation Brigade, 101st Airborne Division (Air Assault), subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 2 November 2012, reflects the separation authority reviewed the separation packet of the applicant 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. They directed the applicant's service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfer requirements, they have determined the requirements are waived, as the transfer will serve no useful purpose or produce a quality Soldier. The separation is in the best interest of both the Army and the applicant.

(11) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 16 November 2012, with 3 years and 13 days of net active service this period. The DD Form 214 show in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 21 June 2012
- item 18 (Remarks) – MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE
- 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):**

(1) **Applicant provided:** On 19 July 2022 the Army Review Boards Agency requested the applicant provide their medical documents to support their mental health issues, as of this date there has been no response.

(2) **AMHRR Listed:** None

5. **APPLICANT-PROVIDED EVIDENCE:** None submitted with the application.

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) Paragraph 1-16 (Counseling and Rehabilitative Requirements) stated Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have potential to serve honorably and well, be given every opportunity to succeed. Commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated. The rehabilitative transfer requirements may be waived by the separation authority in circumstances where common sense and sound judgment indicate that such transfer will serve no useful purpose or produce a quality Soldier.

(5) 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.

(6) 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 non-waiverable 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 non-waiverable 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. 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).

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 the applicant received nonjudicial punishment 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 3 years and 13 days of net active service and did not complete their first full term of service their 4-year, 25-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. 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: Adjustment Disorder, Opioid Dependence, Alcohol Dependence, PTSD

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder, Opioid Dependence, Alcohol Dependence, combat-related PTSD

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the trauma occurred prior to the misconduct and nexus between trauma and substance use, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the applicant's condition or experience outweighed the listed basis for separation for the aforementioned reasons.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends they have been diagnosed with PTSD with Opiate Abuse and those issues are directly related to the nature of their discharge. The Board determined that this contention was valid and voted to upgrade the characterization of service due to Adjustment Disorder, Opioid Dependence, Alcohol Dependence and PTSD mitigating the applicant's AWOL charges.

(2) The applicant contends they were discharged due to opiate abuse because they were told regularly not to go to Mental Health, so they turned to self-medication. The Board considered this contention during proceedings and voted to upgrade the characterization of service due to Adjustment Disorder, Opioid Dependence, Alcohol Dependence and PTSD mitigating the applicant's AWOL charges.

d. 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 (Adjustment Disorder, Opioid Dependence, Alcohol Dependence, combat PTSD). 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, No change to the narrative reason for separation, the separation code or reentry code

e. Rationale for Decision:

(1) The Board determined the discharge is inequitable and voted to upgrade the characterization of service to Honorable based on the applicant's Adjustment Disorder, Opioid Dependence, Alcohol Dependence, and combat-related Post Traumatic Stress Disorder

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outweighed the applicant's wrongful use of oxycodone and oxymorphone basis for separation. The Board voted not to change the narrative reason for discharge based on the applicant's diagnosis of Cannabis Use Disorder. The Board voted not to change the RE code, as it is proper and equitable.

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

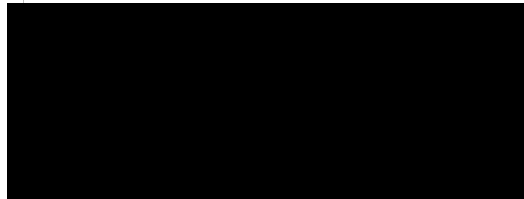
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

8/26/2025



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