

1. Applicant's Name: [REDACTED]**a. Application Date:** 22 December 2021**b. Date Received:** 27 December 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:

- Character of service upgrade to honorable
- Change narrative reason for separation to convenience of the government or similar
- Change reentry code to RE-1 or RE-3
- Change separation code

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect a youthful indiscretion on one isolated offense. The applicant contends a change to the reentry eligibility (RE) code would allow the applicant to rejoin the military. The applicant contends obtaining employment, completing a degree program, and contributing to the community through volunteer work post service. The applicant contends years of good service.

c. Board Type and Decision: In a records review conducted on 21 January 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, the circumstances surrounding the discharge (OBHI and PTSD diagnoses), 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 to the narrative reason for separation to Chapter 11, AR 135-178 11-1.a. -Minor disciplinary Infractions. 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: Use of Illegal Drugs / AR 135-178, Chapter 12-1d / NA / NA / General (Under Honorable Conditions)

b. Date of Discharge: 30 January 2018**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 16 September 2017

(2) Basis for Separation: The applicant was informed of the following reasons: tested positive for an illegal drug: Marijuana (THC) 70ng.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 17 September 2017

(5) Administrative Separation Board: On 17 September 2017, the applicant conditionally waived consideration by the administrative separation board, requesting a

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discharge characterized no less favorably than general (under honorable conditions). The conditional waiver denial was NIF.

(6) Separation Decision Date / Characterization: NIF / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 8 February 2011 / 6 years

b. Age at Enlistment / Education / GT Score: 18 / HS Graduate / 97

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92F1O, (Petroleum Supply Specialist) / 5 years, 9 months, 9 days

d. Prior Service / Characterizations: USAR, 8 December 2011 – 17 September 2017 /
GD
IADT, 19 March 2012 – 17 August 2012 / HD
(Concurrent Service)

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Developmental Counseling Form, 17 September 2017, documents the applicant was administered a urinalysis test which shows the applicant tested positive for a controlled substance, marijuana (THC) 70ng.

(2) Orders 18-023-00016, issued 23 January 2018, shows the applicant was to be discharged from the USAR on 30 January 2018, under the provisions of AR 135-178, with a general (under honorable conditions) discharge.

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: None

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record; personal statement; USAR discharge order; Certificate of Release or Discharge from Active Duty; personnel records; volunteer certificate; BA Certificate; transcripts.

6. POST SERVICE ACCOMPLISHMENTS: The applicant volunteered in Peru, completed a BA degree in Arts and Sciences, and established a business (FITHOUND LLC).

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. Multiple Department of Defense 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 Department of Veterans Affairs (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; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 135-178 (Enlisted Administrative Separations) prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 2 provides general guidance, which applies when referenced under the reasons for separation in this regulation. Further guidance is set forth under the specific reasons for separation in chapters 4 through 15.

(a) Paragraph 2-9a prescribes an honorable characterization 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) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(2) Chapter 11 (previously Chapter 12) 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, and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 11-1d, prescribes illegal drug use is serious misconduct. Discharge action normally will be based upon commission of a serious offense. However, relevant facts may mitigate the nature of the offense. Therefore, a single drug offense may be combined with one or more disciplinary infractions or incidents or other misconduct and processed for discharge.

(b) Paragraph 11-8 states an under other than honorable conditions discharge is normally considered appropriate; however, a general (under honorable conditions) or an honorable discharge may be granted.

(3) Chapter 13 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 memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

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 applicant's Army Military Human Resources Record (AMHRR) includes a properly constituted discharge order: Orders 18-023-00016, 23 January 2018. The orders indicate the applicant's discharge was under AR 135-178 provisions, with a characterization of service of general (under honorable conditions).

c. The applicant requests a narrative reason change and an RE Code change. Service members receive published orders when discharged from the U.S. Army Reserve indicating the effective date and characterization of the discharge. Narrative reasons and RE Codes usually are not included in the order. As the applicant's discharge order does not have these entries, the ADRB has no basis for changing the discharge order. Local recruiters can determine eligibility to reenlist if the applicant desires to rejoin the military. Recruiters can best advise a former service member as to the needs of the Army and process required waivers of reentry eligibility. The applicant seeks to rejoin the military. Soldiers receive reentry codes during separation based on service records or discharge reasons. Army Regulation 601-210 assigns the applicant an RE code of "4," which is appropriate under the circumstances. An RE code of "4" remains ineligible for waiver, preventing reenlistment.

d. The applicant contends the event leading discharge from the Army was an isolated incident. Army Regulation 135-178, 2-9, states certain circumstances allow a single act of conduct or duty performance to serve as the basis for service characterization.

e. The applicant contends good service. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

f. The applicant contends youth, and immaturity influenced the applicant's behavior at the time of discharge. However, the AMHRR confirms the applicant met entrance qualification standards, including age.

g. The applicant contends obtaining employment, completing a degree program, and contributing to the community through volunteer work post service. 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.

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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused or mitigated a discharge.

(2) Did the condition exist or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The event leading discharge from the Army was an isolated incident. The applicant contends good service. The applicant contends youth, and immaturity influenced the applicant's behavior at the time of discharge. The applicant contends obtaining employment, completing a degree program, and contributing to the community through volunteer work post service. The Board considered the applicant's length and quality of service outweighed the single use of drugs and a discharge upgrade is warranted.

(2) The applicant seeks to rejoin the military. The Board considered this contention; however, the applicant's orders do not have a Re code as this was a reserve discharge.

d. The Board determined by a 3-0 vote, the Board determined the discharge is inequitable based on length, quality and post-service accomplishments for the BoS.

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 due to the applicant's length and quality of service, as well as post service accomplishments outweigh the use of illicit drugs that led to their separation.

(3) The Board voted to change the reason for discharge to Chapter 11, AR 135-178 11-1.a. -Minor disciplinary Infractions under the same pretexts, thus the reason for discharge is no longer appropriate.

10. BOARD ACTION DIRECTED:

a. Issue a New DD-214 / Separation Order: Yes

b. Change Characterization to: Honorable

c. Change Reason / SPD code to: Chapter 11, AR 135-178 11-1.a. -Minor disciplinary Infractions.

d. Change Authority to: No Change

Authenticating Official:

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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