

1. Applicant's Name: [REDACTED]**a. Application Date:** 18 January 2022**b. Date Received:** 18 January 2022**c. Counsel:** None.**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general, under honorable conditions. The applicant requests an upgrade to honorable and a narrative reason change.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, that they were experiencing mental health issues which were improperly treated by Army behavioral health services. They state that their anxiety and depression were misdiagnosed as ADHD and treated with amphetamines, which led to insomnia and psychotic episodes. The applicant reports using marijuana in an attempt to self-medicate during periods when they posed a danger to themselves and others.

c. Board Type and Decision: In a records review conducted on 13 August 2025, and by a 5-0 vote. The Board approved the applicant's request after determining that the separation was inequitable. In reaching this conclusion, the Board considered the applicant's length of service, and overall performance. As a result, the Board voted to grant relief by upgrading the characterization of service to Honorable and revising the narrative reason for separation to Misconduct (Minor Infractions), with an associated separation code of JKN. The Board further concluded that the existing reentry code was appropriate and equitable, and therefore elected not to modify it.

Please see section 9 of this document for more detail regarding the Board decision.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / AR 635-200 / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 2 July 2015**c. Separation Facts:** The applicant's Army Military Human Resource Record.**(1) Date of Notification of Intent to Separate:** 24 February 2015**(2) Basis for Separation:** Between on or about 17 September 2014 and on or about 17 October 2014 the applicant wrongfully used marijuana.**(3) Recommended Characterization:** General, under honorable conditions.**(4) Legal Consultation Date:** 16 March 2015**(5) Administrative Separation Board:** N/A

(6) Separation Decision Date / Characterization: 1 April 2015 / GD

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 7 April 2014 / 3 years

b. Date / Period of Reenlistment(s): 7 April 2014 / 3 years

c. Age at Enlistment / Education / GT Score: 26 / HS Graduate / 142

d. Highest Grade Achieved / MOS / Total Service: E-5 / 94E10 Radio and Communications Security Repairer / 4 years, 8 months, 20 days.

e. Prior Service / Characterizations: 20110405 – 20140406 / Concurrent Service

f. Overseas Service / Combat Service: None.

g. Awards and Decorations: ARCOM, AAM-4, AGCM, NDSM, GWTSM, NCOPDR, ASR

h. Performance Ratings: 20131201 – 20141130; Fair

i. Disciplinary Action(s) / Evidentiary Record:

(1) A Probable Cause Drug Test memorandum dated 17 October 2014 indicates the applicant's immediate commander requested a drug test due to suspecting that the applicant was under the influence while doing CQ duties.

(2) A Developmental Counseling Form dated 20 October 2014 indicates the applicant admitted to using marijuana.

(3) A Confirmed Urinalysis Test Results memorandum dated 3 November 2014 indicates the applicant's commander was notified that the applicant tested positive for THC on 17 October 2014.

(4) A Record of Proceedings UCMJ document, signed 22 January 2015 indicates that applicant received a NJP for violating Article 112a of the UCMJ: between 17 September 2014 – 17 October 2014 they wrongfully used marijuana. Punishment consisted of reduction to E-4, forfeiture of \$1107 pay, oral reprimand, restrictions, and extra duty for 45 days.

j. Lost Time / Mode of Return: None.

k. 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 BH Telehealth Medication Management Note (5 pages) and a Department of Veteran Affairs Rating Decision document.

(2) AMHRR provided: Medication Profile, Report of Medical Examination, Report of Medical History, Report of Mental Status Evaluation.

5. APPLICANT-PROVIDED EVIDENCE: Two DD Form 293 (Discharge Review) application, DD Form 214, self-authored statement, 5 pages of medical records, and Department of Veteran affairs Rating Decision document in support of their applications.

6. POST SERVICE ACCOMPLISHMENTS: The applicant received their Bachelor of Science degree in chemistry.

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 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 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.

(c) An under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

(e) A Dishonorable discharge is the most severe type of discharge and will be given to a Soldier pursuant only to an approved sentence of general or special court-martial. The appellate review must be completed and affirmed sentence ordered duly executed. Behaviors such as fraud, desertion, treason, espionage, sexual Assault, and murder and other actions may be punished with a dishonorable 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, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(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

h. 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, misconduct (drug abuse).

i. 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. It provides 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 missions. Individuals who do not self-refer for treatment and are subsequently identified as positive for controlled substances for which they do not have a valid prescription may be considered in violation of the UCMJ for drug misuse/abuse.

j. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

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, and a narrative reason change. The applicant's DD-214 indicates the applicant received a General (under honorable conditions) characterization of service, rather than an under other than honorable conditions (UOTHC) discharge which is normally considered appropriate for a soldier discharged for drug abuse.

b. Based on the available evidence the applicant was under the influence of marijuana and dextroamphetamine while on CQ duty. The applicant had a valid prescription that accounted for their positive urinalysis result for amphetamines. They admitted to using marijuana to their chain of command, subsequently completed a rehabilitation program, received a nonjudicial punishment (NJP), and were processed for administration separation.

c. The applicant was notified of the intent to separate them for misconduct (abuse of illegal drugs), they acknowledged they understood the basis for separation under the provisions AR 635-200, CH 14-12c. They received the required separation medical examinations and consulted with counsel. A properly constituted DD Form 214, authenticated by the applicant's signature indicates they were discharged under the provisions of AR 635-200, CH 14-12c, by reason of misconduct (Drug Abuse) with a general, under honorable conditions characterization of service on 2 July 2015.

d. Chapter 14 establishes policy and prescribes procedures for members being separated for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense 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.

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: Major Depressive Disorder (MDD-70%SC); Anxiety DO NOS. [Note: ADHD is a pre-existing condition and not under purview of ADHD. Depression is subsumed under diagnosis of MDD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found Anxiety DO NOS was diagnosed during active service. VA service connection for MDD establishes nexus with active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that, while the applicant is 70% service connected for MDD, and has been diagnosed with Anxiety DO, unspecified, it is the opinion of the Agency BH advisor that these diagnoses only partially mitigate his misconduct. Record review indicates the applicant had a severe amphetamine addiction which, based on his medical history, likely began prior to active service. Upon entering the Army, he presented to BH requesting Adderall for his diagnosis of ADHD stating he had been taking stimulants of various types for this condition until 2011. Over time, his physician increased his dosage of Adderall based upon his report of worsening ADHD symptoms. However, as his addiction progressed, he began augmenting his Adderall supply with Adderall obtained on the streets (i.e.-illegitimately). During his 21 Oct 2014 ASAP appointment, he disclosed he had been abusing Adderall for two years, both prescribed and illicitly obtained. He also admitted he would use other drugs if he could not obtain the Adderall, such as benzodiazepines and marijuana. During his 24 Oct 2014 Addiction Medicine visit, he admitted that he would get prescriptions for Adderall from his physician and then augment it with Adderall he would buy off the streets in large quantities. He disclosed that he could do this because he had no fear of getting into trouble as he had a current, legitimate Adderall prescription from an Army physician. Given these factors, the Agency BH advisor feels that, while his diagnosis of MDD and Anxiety DO fall under the purview of liberal consideration, only partial mitigation is warranted given that the applicant's severe drug addiction likely preceded or coincided with the development of these two BH conditions. Regarding applicant's contention that his anxiety and depression were misdiagnosed as ADHD and treated with stimulants which led to psychosis, record review does not support this contention.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the available evidence did not support a conclusion that the applicant had a condition to outweigh the reason for discharge.

b. Prior Decisions Cited: (N/A)

c. Response to Contention(s): The applicant contends, that anxiety and depression were misdiagnosed as ADHD and treated with stimulants which led to psychosis. The Board acknowledged this contention during its review of the records. Upon review, the Board found this contention credible and voted to upgrade the applicant's characterization of service.

d. The Board determined that the characterization of service was inequitable based on the applicant's length and quality of service. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code will change to JKN and RE Code were proper and equitable and voted not to change code. The Board concurred with the conclusion of the medical advising official that the applicant's MDD, and Anxiety DO, unspecified, only partially mitigate the applicant's misconduct. Final Vote 5-0 HD/JKN /NC (RE4).

e. Rationale for Decision:

(1) The Board voted to upgrade the applicant's characterization of service. The Board carefully weighed the applicant's overall length and quality of service and the circumstances surrounding the discharge. Although the discharge was procedurally and substantively proper at the time, and the applicant was afforded full administrative due process, the new evidence warrants a change in characterization. The discharge adhered to both the procedural and substantive standards outlined in the regulation, fell within the authorized discretion of the separation authority, and ensured the applicant received complete administrative due process.

(2) The Board voted to change the applicant's reason for discharge or accompanying SPD code to JKN, as the reason the applicant was discharged was inequitable.

(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 Discharge
- c. Change Reason / SPD code to: JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

10/7/2025



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