

1. Applicant's Name: [REDACTED]**a. Application Date:** 4 November 2021**b. Date Received:** 22 November 2021**c. Counsel:** None**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.

(2) The applicant seeks relief contending after a spotless career and achievements with previously diagnosed health issues misguided the capability to follow logical thinking patterns and decisions, developing a severe alcoholism issue that concluded on unfavorable unconscionable actions.

b. Board Type and Decision: In a records review conducted on 1 October 2025, and by a 5-0 vote, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, change the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and determined the reentry eligibility (RE) code of RE-4 was proper and equitable based on the applicant's BH diagnosis.

Please see Section 9 of this document for more detail regarding the Board's decision.

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: 24 August 2021**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 15 July 2021

(2) **Basis for Separation:** on or about 22 March 2021, tested positive for cocaine and tetrahydrocannabinol

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

(4) **Legal Consultation Date:** 27 July 2021

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

(6) **Separation Decision Date / Characterization:** 5 August 2021 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 15 August 2017 / 6 years
- b. **Age at Enlistment / Education / GT Score:** 20 / Baccalaureate Degree / 119
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 15D1O, Aircraft Powertrain Repairer / 4 years, 10 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** Germany, SWA / Kuwait (21 June 2020 – 9 November 2020)
- f. **Awards and Decorations:** ARCOM-C, NDSM, GWTSM, ACM-CS, ASR, OSR, NATOMDL
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) Two DA Forms 4856 (Developmental Counseling Form) dated 19 May 2021 reflects the applicant received event-oriented counseling from their squad leader for testing positive on a Urinalysis Evaluation and for the recommendation for Uniform Code of Military Justice (UCMJ) action. The Key Points of Discussion reflects the applicant, on 22 March 2021 was selected for a urinalysis screening which came back positive for cocaine and tetrahydrocannabinol. Leader Responsibilities, the squad leader states the applicant refuses to sign the counseling's stating they are not in the right state of mind while dealing with a behavioral health issue and being referred to Evans Army Community Hospital with an escort per their behavioral health representative.

(2) A DA Form 3822 (Report of Mental Status Evaluation) dated 4 June 2021, reflects the applicant has no duty limitations due to behavioral health reasons and currently meets behavioral health medical retention standards. Section IV (Diagnoses) reflects behavioral health diagnoses of Alcohol Use Disorder and Suicidal Ideation. The behavioral health provider comments the applicant does not currently have a behavioral health condition that causes them to fail medical retention standards. Their medical records do not contain substantial evidence that the applicant currently meet criteria for a behavioral health condition requiring referral to Integrated Disability Evaluation System (IDES) but has not yet received a diagnosis.

(3) A DD Form 2808 (Report of Medical Examination) dated 11 March 2019, reflects the examining physician marked "Abnormal" for items examined; item 34 (Lower Extremities); item 36 (Spine, Other Musculoskeletal) and item 37 (Identifying body marks, scars, tattoos). The examiner marked the applicant is qualified for service and their physical profile reflects no entries.

(4) A memorandum, Bravo Company, 404th Aviation Support Battalion, Combat Aviation Brigade, 4th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct Drug Abuse, (Applicant), dated 15 July 2021, reflects the applicant received 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 receive a General (Under Honorable Conditions) discharge. On the same date the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(5) In the applicant's memorandum, subject: Election of Rights Regarding Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs, [Applicant], dated 27 July 2021, the applicant acknowledged they have been advised their consulting counsel of the basis for the contemplated action to separate them under Army Regulation 636-200, paragraph 14-12c(2), and its effects, of the rights available to them; and the effect of any action taken by them in waiving their rights. They understand they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) discharge is issued to them. They further understand that as the result of issuance of a discharge that is less than honorable, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They waived consulting counsel and elected to submit statements in their own behalf. In their own personal statement and three 3rd Party Character Statements, they attest to the applicant's character and physical ailments to include Traumatic Brain Injury (TBI).

(6) A memorandum, Bravo Company, 404th Aviation Support Battalion, Combat Aviation Brigade, 4th Infantry Division, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs, [Applicant], dated 27 July 2021, reflects the company commander's recommendation to separate the applicant from the U.S. Army prior to the expiration of their current term of service. The company commander states they do not consider it feasible or appropriate to accomplish other disposition as the applicant's poor decision making, lack of judgment, and questionable integrity do not make them a candidate for continued service. The applicant does not report suffering from either Post Traumatic Stress Disorder (PTSD) or TBI as a result of deployment overseas in support of a contingency operation within the last 24 months.

(7) A memorandum, Headquarters, 404th Aviation Support Battalion, Combat Aviation Brigade, 4th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs, [Applicant], dated 27 July 2021, reflects the battalion commander's recommendation to separate the applicant from the U.S. Army prior to the expiration of their current term of service. The commander recommended the applicant's service be characterized as General (Under Honorable Conditions) and states the applicant does not report suffering from either PTSD or TBI as a result of deployment overseas in support of a contingency operation or a sexual assault within the last 24 months.

(8) A memorandum, Headquarters, Combat Aviation Brigade, 4th Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs, [Applicant], dated 5 August 2021, reflects the separation authority reviewed the separation packet of the applicant and directed the applicant be separated from the Army prior to the expiration of their current term of service. The commander directed the applicant's service be characterized as General (Under Honorable Conditions). The commander determined the rehabilitative requirements of Army Regulation 635-200, paragraph 1-16 do not apply to this case. The commander states the applicant does not report suffering from either PTSD or TBI as a result of deployment overseas in support of a contingency operation or a sexual assault within the last 24 months.

(9) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 24 August 2021, with 4 years and 10 days of net active service this period. The DD Form 214 show in –

- item 13 (Remarks) – in part, 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: DA Form 3349 (Physical Profile Record) reflecting a permanent profile for Chronic Migraines dated 19 May 2021 and temporary profile for Depressive Disorder with an expiration date of 23 June 2021. Section 5 (Medical Instructions to Unit Commander) reflects a Submission to Medical Evaluation Board, stating the applicant is non-deployable due to decreased mission capability from a Behavioral Health condition.

(2) AMHRR Listed: DA Form 3822 (Report of Mental Status Evaluation) reflecting diagnoses of Alcohol Use Disorder and Suicidal Ideation.

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DA Form 3349 (Physical Profile Record)
- four Statements submitted with Election of Rights during their separation processing

6. POST SERVICE ACCOMPLISHMENTS: None submitted with 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 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; 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), 19 December 2016, 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. Readiness is promoted by maintaining high standards of conduct and performance.

(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 the potential to serve honorably and well, be given every opportunity to succeed. The rehabilitative transfer requirements in chapter 14 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 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 (2019 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 provides the applicant received event-oriented counseling for testing positive for cocaine and tetrahydrocannabinol and was involuntary separation from the Army. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse), with a characterization of service of general (under honorable conditions). The applicant completed 4 years and 10 days of net active service this period and did not complete their first full term of service of their 6-year 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 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. Characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate. An honorable characterization of service is generally required when the Government initially introduces limited-use evidence.

d. The applicant's AMHRR reflects documentation of a diagnoses of Alcohol Use Disorder and Suicidal Ideation. The applicant provided a DA Form 3349 (Physical Profile Record)

reflecting a permanent profile for Chronic Migraines dated 19 May 2021 and temporary profile for Depressive Disorder with an expiration date of 23 June 2021. Section 5 (Medical Instructions to Unit Commander) reflects a Submission to Medical Evaluation Board, stating the applicant is non-deployable due to decreased mission capability from a Behavioral Health condition.

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: Adjustment Disorder, MDD, Unspecified Trauma and Stressor Related Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder but had undiagnosed MDD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor determined that the medical condition is mitigating. The Board's Medical Advisor applied liberal consideration and opined that given the TBI was prior to the misconduct resulting physical and psychiatric symptoms and nexus between substance use and chronic pain and depression, there is mitigation. Additionally, there were missteps in the applicant's treatment from both medical and behavioral health which contributed to his self-medicating with a lack of support when he attempted to self-refer to SUDCC. This could raise the question of impropriety further supporting relief.

(3) 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 outweighed the basis of separation.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends after a spotless career and achievements with previously diagnosed health issues misguided the capability of follow logical thinking patterns and decisions, developing a severe alcoholism issue that concluded on unfavorable unconscionable actions.

The Board considered this contention and voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

d. The Board determined to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and

determined the reentry eligibility (RE) code was proper and equitable based on the applicant's BH diagnosis and therefore, the reentry code will not change.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service because the applicant's TBI was prior to the misconduct of "tested positive for cocaine and tetrahydrocannabinol". The drug use resulted in physical and psychiatric symptoms and there is a nexus between the substance use and chronic pain and depression, therefore there is medical mitigation. Additionally, there were missteps in the applicant's treatment from both medical and behavioral health which contributed to the self-medicating with a lack of support when the applicant attempted to self-refer to SUDCC.

(2) The Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF.

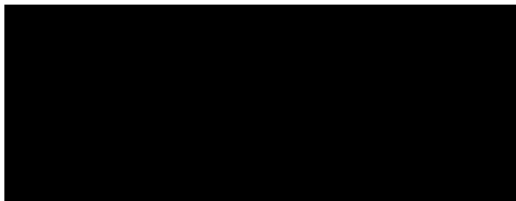
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

10/13/2025



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