

1. Applicant's Name: [REDACTED]**a. Application Date:** 16 January 2022**b. Date Received:** 24 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, a separation code, reentry code, and narrative reason for separation change.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, while in the training pipeline of becoming an Explosive Ordnance Disposal (EOD) technician, the applicant injured their back and had mental obstacles. Medical personnel prescribed narcotics for both pain and sleep. The applicant then spiraled into drug abuse. The applicant abused prescribed medication, and eventually medication not prescribed. The applicant contends being able to rehabilitate and now continues to live a clean and healthy lifestyle. The applicant contends being an electrician and aspires to attend schooling to become an electrical engineer. An upgrade to honorable would grant the applicant access to educational benefits like the GI Bill.

c. Board Type and Decision: In a records review conducted on 25 November 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD outweighed the applicant's illegal substance abuse. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, the narrative reason to Secretarial Authority and the separation code to SA. The Board determined the RE Code was proper and equitable and voted not to change it. 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: Misconduct (Drug Abuse) / AR 635-200, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 10 May 2019

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 6 February 2019

(2) Basis for Separation: The applicant was informed of the following reasons: Between on or about 30 October and on or about 5 November 2018, wrongfully used heroin a schedule I controlled substance and cocaine a schedule II controlled substance. In addition, the separation authority may consider the following misconduct for consideration of characterization of service in accordance with AR 635-200 paragraph 3-5b. On diverse occasions, failed to be at appointed place of duty.

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

(4) Legal Consultation Date: 9 February 2019

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 15 April 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 3 January 2017 / 4 years

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 126

c. Highest Grade Achieved / MOS / Total Service: E-4 / None / 2 years, 4 months, 8 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Memorandum For Record, 5 November 2018, reflects the applicant's Commander directed a urinalysis (UA) for probable cause of heroin use in the barracks. On 4 November 2018, two Soldiers told the Duty NCO the applicant confessed to possessing heroin. The Commander consulted legal to verify grounds for probable cause. The Commander was authorized to search both the Soldier and room. The search was inconclusive. The Commander still had suspicion of the applicant using the substance and possibly distributing or disposed the rest. The Commander then issued a probable cause UA on the applicant the following morning, 5 November 2018.

(2) Electronic Copy of Specimen Custody Document – Drug Testing, 16 November 2018, indicates the applicant tested positive for 6-AM (6-acetylmorphine; aka Heroin) 75; COC 13885 (cocaine); MOR (Morphine) 47253 >LOL during a Probable Cause (PO) urinalysis testing conducted on 5 November 2018.

(3) Sworn Statement, 28 November 2018, indicates the applicant provided a statement under oath to the events leading to the applicant being encountered by a dealer, and methods of use for the COC and AM. The applicant described the events leading up to the UA on 5 November 2018.

(4) Seven Developmental Counseling Forms document instances of the applicant was in violation of policy letter #2: Military Discipline and Conduct (6 November and 4, 10, and 13 December 2018); for being out of ranks (7 and 8 August 2018); initiation of a FLAG Action for Involuntary Separation (3 January 2019).

(5) CID Reg 195-1 Agent's Investigation Report, 7 December 2018, reflects the applicant was subject to investigation for testing positive for COC, MOR, and 6-AM on 5 November 2018.

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: Report of Mental Status Evaluation (MSE), 30 November 2018, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings, appreciated the difference between right and wrong, and met medical retention requirements. PTSD and mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider their influence. The applicant was diagnosed with Adjustment Disorder with Mixed Anxiety and Depressed Mood; Opioid Use Disorder, Mild.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; list of medications prescribed; certificate of leadership.

6. POST SERVICE ACCOMPLISHMENTS: Obtained a job as an electrician, rehabilitated and continues to live a sober and healthy lifestyle.

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), 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:

- 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.

- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.

- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 (Active Duty Enlisted Administrative Separations), 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.

(a) Paragraph 3-7a states 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) Paragraph 3-7b states 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.

(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) Paragraph 14-3, prescribes 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.

(b) Paragraph 14-12c (2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing 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 under paragraph 14-12a or 14-12b as appropriate.

(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, misconduct (drug abuse).

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 was notified with the intent to separate on 6 February 2019, under the provisions of AR 635-200, Chapter 14-12c(2), Misconduct (Drug Abuse), for wrongfully using heroin and cocaine between 30 October and 5 November 2018, and on diverse occasions failed to be at appointed place of duty. The applicant was recommended a characterization of General (Under Honorable Conditions). The applicant requested legal counsel on 9 February 2019. The applicant underwent an MSE on 30 November 2018 and was diagnosed with Adjustment Disorder with Mixed Depression and Anxiety Mood and Opioid Use Disorder. The separation authority considered the MSE and directed a discharge characterization of General (Under Honorable Conditions) on 15 April 2019.

c. The applicant contends the Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c (2), of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Drug Abuse)," as the narrative reason for discharge under this provision and assign the separation code "JKK." Army Regulation 635-8 (Separation Processing and Documents) governs how officials prepare the DD Form 214. This regulation mandates that block 28 must list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason.

d. The applicant contends the Army should change the SPD code. The SPD codes are three-character alphabetic combinations identifying reasons for and types of separation from active duty. The primary purpose of SPD codes is to provide a statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in collecting and analyzing separation data. The Office of the Secretary of Defense controls SPD codes and implements them in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c (2) is "JKK."

e. The applicant contends the onset of the abuse of narcotics was because of an injury during EOD technician training. The applicant claims to have injured their back and had mental obstacles. Medical personnel prescribed narcotics for both pain and sleep, later leading to opioid addiction and abuse.

f. The applicant contends being able to rehabilitate, live a healthy and sober lifestyle, and becoming an electrician. 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.

g. The applicant contends an upgrade would provide access to educational benefits through the GI Bill. Eligibility for veterans' benefits, including Post-9/11 or Montgomery GI Bill educational assistance, does not fall under the purview of the Army Discharge Review Board. The applicant should contact a local Department of Veterans Affairs office for further assistance.

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: Generalized Anxiety Disorder (GAD), Adjustment Disorder w/Anxiety and Depressed Mood.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 30 percent SC for GAD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that a review of the available information shows the applicant, who is deceased as of 20 March 2022, had a BH condition during service whereby during the process of receiving said treatment, had an experience that mitigated their misconduct as outlined in the BoS. The applicant is 30 percent SC for GAD and was diagnosed with service with Adjustment Disorder w/Anxiety and Depressed Mood. The applicant asserts they used illegal prescription medication, heroin, and cocaine after becoming addicted to narcotic medications prescribed for back pain and sleep. Records supported that while undergoing BH treatment for Adjustment Disorder (now SC GAD) and sleep problems, the applicant expressed a history of chronic LBP. The BH prescriber trialed the applicant on psychotropic medication but additionally prescribed opioid medication for pain. The providers decision to prescribe pain medication was not normal BH practice as the applicant's issues with pain should have been addressed through a pain management team. Records document the BH prescriber doubled the dosage of the applicant's opioid pain killer approximately 3 weeks after the initial 50 mg dose. After a 6-weeks the applicant presented for refill but was seen by a different BH prescriber who refused to provide a refill due to the applicant being prescribed 3 schedule 4 drugs (high risk of abuse/addiction) by the psychiatrist, including non-psychiatric opioid medication that should not have been prescribed by the psychiatrist in his current role. The applicant was referred by to their PCM, and ultimately to the pain management clinic where the opioid medications were titrated and stopped, leaving the applicant in increased pain, and likely experiencing withdrawal symptoms. Records suggest the applicant subsequently turned to illegal prescription and narcotic drugs to address their pain and addiction. Given evidence suggesting medical impropriety that likely contributed to opioid dependence, the applicant misconduct is mitigated, and upgrade is supported.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the GAD outweighed the drug abuse.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends the onset of the abuse of narcotics was because of an injury during EOD technician training. The Board liberally considered this contention and determined that it was valid due to the applicant's GAD outweighing the applicant's Drug Abuse offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends being able to rehabilitate, live a healthy and sober lifestyle, and becoming an electrician. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(3) The applicant contends an upgrade would provide access to educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

d. The Board determined: The Board determined the discharge is inequitable based on the applicant's PTSD outweighed the applicant's illegal substance abuse. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, the narrative reason to Secretarial Authority and the separation code to SA. The Board determined the RE Code was proper and equitable and voted not to change it.

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 because the applicant's GAD outweighed the applicant's misconduct of Drug abuse. Thus, the prior characterization is no longer appropriate.

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

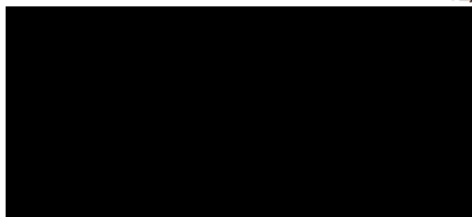
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

12/3/2025



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