

1. Applicant's Name: [REDACTED]

a. **Application Date:** November 13, 2021

b. **Date Received:** January 24, 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 under other than honorable conditions. The applicant requests an upgrade to general (under honorable conditions) and a narrative reason change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, the events leading up to their discharge included months of weekly clinic and chaplain visits for anger management and Posttraumatic Stress Disorder (PTSD). At each appointment, they completed routine surveys asking questions such as "how do you feel today" and "are you suicidal," which the applicant considered ineffective measures of emotional wellness. They feared answering honestly would result in daily escorts, which the applicant found embarrassing around peers. The applicant attended all required sessions for anger management and PTSD until separation. Afterwards, they were denied further medical assistance when the applicant requested inpatient therapy, which the applicant emphasizes would have provided discreet and effective treatment.

(1) During this period, the applicant began abusing drugs and alcohol and reported this directly to their company commander and the applicant was subsequently tested regularly and enrolled in the Army Substance Abuse Program (ASAP). The applicant informed counselors quitting "cold turkey" was difficult, yet no additional assistance was provided, despite repeated requests for inpatient therapy at Fort Bliss, TX. Despite their compliance with all required anger management, PTSD, and ASAP sessions, the commander initiated UCMJ action for continued substance abuse. The applicant was later charged, reduced in rank, incarcerated, and discharged with an under other than honorable characterization of service.

(2) At their hearing, the former platoon leader from deployment, testified the applicant had shown integrity, leadership, and reliability prior to deployment, never missing a formation and earning rank through performance. The PL emphasized, it was only after deployment the applicant displayed signs of anger, depression, and a lack of motivation. The applicant acknowledged full responsibility for their actions during the hearing but contended they were not given all possible opportunities for treatment, which may have prevented the need for an early discharge.

c. **Board Type and Decision:** In a records review conducted on 05 November 2025, 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 separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN, and the reentry code to RE-3. 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 / Under Other than Honorable Conditions

b. Date of Discharge: 2 October 2009

c. Separation Facts:

(1) Date of Notification of Intent to Separate: Undated

(2) Basis for Separation: The applicant wrongfully imported and used cocaine, wrongfully used marijuana, and failed to report to their appointed place of duty.

(3) Recommended Characterization: Under Other than Honorable Conditions

(4) Legal Consultation Date: 9 September 2009 / The applicant declined to provide a statement on their behalf.

(5) Administrative Separation Board: On 9 September 2009, the applicant requested to unconditionally waive their right to appear before an administrative separation board.

(6) Separation Decision Date / Characterization: 25 September 2009 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 30 March 2006 / 4 years

b. Age at Enlistment / Education / GT Score: 18 / High School Diploma / 97

c. Highest Grade Achieved / MOS / Total Service: E-4 / 21B10 Combat Engineer / 3 years, 5 months, 20 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan, 25 May 2007 – 10 March 2008

f. Awards and Decorations: ACM-CS, ARCOM, MUC, NDSM, OSR, NATOMDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: The Results of a Summary Court-Martial Trial, dated 15 September 2009, indicates the applicant plead guilty in violation of three specifications of Article 112a, UCMJ for wrongfully use of marijuana on diverse occasions, between 20 April – 8 August 2009 and for wrongful use of cocaine, in May 2009. and in violation of two specifications of Article 92 (failure to obey order/regulation) for introducing cocaine to the installation along with having failed to report on six occasions, between 20 February and 10 August 2009. Their sentenced imposed a reduction to private (E-1); forfeitures of \$500.00; and 15 days of confinement. Although undated, the commander's report recommended waiving further rehabilitative efforts and remarked, "Enrolled in ASAP. ASAP failure."

i. **Lost Time / Mode of Return:** Confinement Sentence, 15 – 27 September 2009 / Released

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:** The applicant asserts PTSD and a substance abuse problem in which they repeatedly asked for inpatient care because of problems with quitting “cold turkey”. An ASAP Enrollment, dated 27 May 2009, shows the applicant was command referred with unsatisfactory performance and conduct, for unexcused absences, increased defensiveness, increased use of excuses, intolerant of coworkers/subordinates, decreased quality of work, absenteeism, and improper use of drugs. Other problems identified PTSD and anger management. It was noted, “Soldier has behavioral and mental health issues that may be result of past trauma and may be coping by means of illegal drug and alcohol abuse. Soldier’s responsibilities and highly discipline-oriented environment of the military is increasing stress and needs to be discharged.”

(2) **AMHRR provided:** On or between 17 June and 10 August 2009, the applicant completed their separation examinations. Medically, the applicant reported their mental health, the two medications they were taking for their insomnia and short temper. Although the provider found nothing significant, they did note the applicant would benefit from continued drug/alcohol counseling for their mental health. A mental status evaluation determined the applicant had no diagnosis and tested positive for marijuana on a previous urinalysis and psychiatrically cleared them for administrative proceedings. The BH provider identified the applicant was deployed between March 2007 and May 2008. Lastly, the post-deployment PTSD and/or mTBI (mild Traumatic Brain Injury) screening was negative.

5. **APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Army Substance Abuse Program (ASAP) Enrollment

6. **POST SERVICE ACCOMPLISHMENTS:** Nothing was provided with this application.

7. **STATUTORY, REGULATORY AND POLICY REFERENCE(S):** 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.

a. 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.

b. 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.

c. 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.

d. 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.

e. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. 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. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

(1) 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. ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

(2) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(3) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

(5) The Limited Use Policy states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes: Results of command-directed drug or alcohol testing that are inadmissible under the MRE; Results of a drug or alcohol test collected solely as part of a safety mishap investigation undertaken for accident analysis and the development of countermeasures; Information concerning drug or alcohol abuse or possession of drugs incidental to personal use, including the results of a drug or alcohol test, collected as a result of a Soldier's emergency medical care solely for an actual or possible alcohol or other drug overdose. A Soldier's self-referral to BH for SUD treatment; Admissions and other information concerning alcohol or other drug abuse or treatment and provided incidental to personal use occurring prior to the date of initial referral to treatment and provided by Soldiers as part of their initial entry into SUD treatment; Drug or alcohol test results, if the Soldier voluntarily submits to a DoD or Army SUD treatment before the Soldier has received an order to submit for a lawful drug or alcohol test; and, the results of a drug or alcohol test administered solely as a required part of a DoD or Army SUD treatment program.

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.

(f) An uncharacterized separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. Unless the DCS, G-1, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority. A Soldier is in an entry-level status (ELS) if the Soldier has not completed more than 180 days of creditable continuous active duty prior to the initiation of separation action.

(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, it will 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 14-12c (2), Misconduct (Drug Abuse).

i. Manual for Courts-Martial (2008 Edition), United States, states 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 orders and discipline in the Armed Forces. **Article 86** (failure to go, going from appointed place of duty) states in the subparagraph, the maximum punishment consists of forfeiture of two-thirds pay and allowances for one month and confinement for one month. **Article 112a** (wrongful use of schedule I controlled substance): dishonorable discharge, forfeiture of all pay and allowances, and confinement for two years.

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 general (under honorable conditions) and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An authenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant was discharged under the provisions of AR 635-200, Chapter 14-12c (2) for misconduct (drug abuse) with an under other than honorable conditions characterization of service. In September 2009, the applicant received a SCM in violation of: three specifications of Article 112a, UCMJ (wrongful use of schedule I, II controlled substances) and two specifications of Article 92 (failure to obey order/regulation). They were found guilty and sentenced to reduction to PVT, forfeitures, and a 15-day confinement. After consulting with counsel, they requested to unconditionally waive their right to appear before an ASB, declining to provide a self-authored statement. The applicant served 3 years, 5 months, and 20 days of a 4-year contractual obligation (as listed in the commander's report).

(a) The applicant is contending, they attended all required anger management, PTSD, and substance abuse sessions prior to discharge; however, was denied inpatient treatment despite repeated requests. The applicant reported their drug and alcohol abuse to their commander and complied with regular testing, including enrollment to ASAP, though no further assistance was provided when the applicant struggled to quit "cold turkey." Despite program participation, the commander initiated UCMJ action for continued substance abuse, resulting in reduction in rank, confinement, and discharge under other than honorable conditions. At the hearing, a former PL testified the applicant had consistently demonstrated integrity, leadership, and reliability prior to deployment, and only after returning did the applicant exhibit anger, depression, and loss of motivation. The applicant accepted full responsibility for their actions but maintained they were not provided all available treatment options, which may have prevented the early discharge.

(b) In May 2009, the applicant was command-referred to ASAP for unsatisfactory performance, drug use, absenteeism, and behavioral issues linked to PTSD and anger management, with providers noting stress from military demands and recommending discharge. Between June and August 2009, separation examinations showed the applicant reported mental health concerns and medications, was advised to continue drug/alcohol counseling, tested positive for marijuana, and was psychiatrically cleared for administrative separation, with post-deployment PTSD/TBI screenings noted as negative.

b. 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.

c. 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: Adjustment Disorder with anxiety and depressed mood, Polysubstance Dependence, Adjustment Disorder with mixed emotional features.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found they were diagnosed and treated for BH conditions in-service while deployed to Afghanistan from May 2007 to Mar 2008.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is sufficient evidence of a mitigating BH condition. The applicant initiated BH treatment for symptoms associated with PTSD after returning from deployment, and eventually were referred to BH clinic where they reported PTSD symptoms and were diagnosed with an Adjustment Disorder. Following a self-disclosure of substance use, the applicant was command referred to ASAP, and records showed they adhered to treatment, although records are somewhat sparse. Given the nexus between trauma exposure and substance use, and in accordance with liberal consideration, the misconduct is mitigated.

(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 condition or experience outweighed the basis of separation.

b. Prior Decisions Cited: NA – Applies to Personal Appearances only.

c. Response to Contention(s): The applicant contends, they attended all required anger management, PTSD, and substance abuse sessions prior to discharge; however, was denied inpatient treatment despite repeated requests. The applicant reported their drug and alcohol abuse to their commander and complied with regular testing, including enrollment to ASAP, though no further assistance was provided when the applicant struggled to quit "cold turkey." Despite program participation, the commander initiated UCMJ action for continued substance abuse, resulting in reduction in rank, confinement, and discharge under other than honorable conditions. At the hearing, a former PL testified the applicant had consistently demonstrated integrity, leadership, and reliability prior to deployment, and only after returning did the applicant exhibit anger, depression, and loss of motivation. The applicant accepted full responsibility for

their actions but maintained they were not provided all available treatment options, which may have prevented the early discharge. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's drug offense. Therefore, a discharge upgrade is warranted.

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found sufficient evidence of in-service mitigating factors (Length, Combat, Quality) and concurred with the conclusion of the medical advising official that the applicant's BH condition does mitigate the applicant's basis for separation. There is a nexus between trauma exposure and substance use. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and warranted an upgrade.

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 Post Traumatic Stress Disorder 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 Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

(4) The RE code will change to RE 3, as the current code 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:** Misconduct (Minor Infractions)/JKN
- d. Change RE Code to:** RE 3
- e. Change Authority to:** AR 635-200, paragraph 14-12a

Authenticating Official:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220004005

3/22/2026



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