

1. Applicant's Name: [REDACTED]

a. **Application Date:** 17 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 honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect suffering from PTSD and TBI at time of discharge. The applicant believes if the condition and medication intervention would have been known it resulted in continued service.

c. **Board Type and Decision:** In a records review conducted on 19 December 2025, and by a 3-0 vote, Board determined that the characterization of the applicant's separation was inequitable and granted relief in the form of upgrade of the characterization of service to Honorable. The Board voted to retain the narrative reason, separation and reenry codes as they were both proper and equitable. 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:** 4 May 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 18 October 2011

(2) **Basis for Separation:** The applicant was informed of the following reasons: being apprehended for driving under the influence and testing positive Cocaine during a Unit Urinalysis on 18 July 2011.

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

(4) **Legal Consultation Date:** 19 October 2011

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

(6) **Separation Decision Date / Characterization:** 30 March 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. **Date / Period of Reenlistment Under Review:** 14 October 2006 / 6 years

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 97

c. Highest Grade Achieved / MOS / Total Service: E-4 / 25U1O, Signal Support System Specialist / 7 years, 2 months, 20 days

d. Prior Service / Characterizations: RA, 15 February 2005 – 13 October 2006 / HD

e. Overseas Service / Combat Service: SWA / Iraq (10 October 2006 – 1 December 2007); Afghanistan (12 February 2009 – 12 February 2010)

f. Awards and Decorations: ACM-CS, ICM-2CS, ARCOM-2, AAM, VUA, NDSM, GWOTSM, ICM-CS, ASR, OSR-3, NATOMDL, CAB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) District Court for The State of Alaska, 16 March 2011, reflects the applicant being apprehended for operating a motored vehicle while under the influence of alcohol. The applicant took a breath test which resulted in .162 grams of alcohol per 210 liters of breath. The report also reflects the applicant being charged with discharge of firearms. The applicant discharged a 12-gauge shotgun

(2) Army Substance Abuse Program (ASAP) Enrollment Form, 16 March 2011, indicates the applicant was referred by their command into the program.

(3) Superior Court for The State Alaska At Anchorage, 4 April 2011, reflects the applicant appeared in court not in custody. The applicant did not make a plea in court, no bail was set, and no probation was ordered. The applicant was given special instructions upon release to obey all laws; attend all hearings, maintain contact with attorney, and to notify attorney within 24 hours if a change of residence occurs.

(4) Memorandum for Certificate of Correction, 18 July 2011, reflects the applicant's specimen bottle label had the initials that could be misconstrued as a signature. The corrective action taken was verifying the initials did read as such and not a signature.

(5) Certificate of Correction, 18 July 2011, reflects the applicant's specimen bottle tape may break in transit. The corrective action taken was a second piece of tape as a precaution.

(6) Memorandum for Recommending Procedures for Handling a Positive Urinalysis, 2 August 2011, reflects the applicant's commander notified of a positive test result and the procedures of how to handle such cases. The commander signed and acknowledged the memorandum.

(7) Electronic Copy of Specimen Custody Document – Drug Testing, 1 August 2011, indicates the applicant tested positive for COC 721 (Cocaine) during an Inspection Random (IR) urinalysis testing conducted on 18 July 2011.

(8) Memorandum of Notification of Administrative Separation Board, 27 October 2011, reflects the applicant was notified to appear before a board. Under the provisions of AR 15-6, paragraph 5-5 and AR 635-200 Chapter 2, section II, notice was given. The applicant signed the acknowledgement

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: VA Summary of Benefits letter, 17 January 2022, reflects no list of the service-connected disabilities associated with the applicant's claim. The applicant was awarded a 70 percent overall disability rating; VA certified letter for service-connected disability rating of 70 percent; VA letter to support with consideration for Veterans' preference for federal civil service employment; VA List of Medical Conditions, reflect Chronic daily headaches, Depressive Disorder NOS, Memory loss, and PTSD all as active conditions.

(2) AMHRR Listed: Report of Behavioral Health Evaluation (BHE), 23 September 2011, reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was diagnosed with adjustment disorder with anxiety and depressed mood. The applicant was cleared for any administrative actions deemed appropriate by the command.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; VA Summary of Benefits letter; VA certified letter for service-connected disability; VA List of Medical Conditions; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: None

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 of intent to separate on 18 October 2011, for being apprehended for DUI of alcohol on 16 March 2011 and testing positive for Cocaine during a unit Urinalysis on 18 July 2011. The recommended characterization of discharge was general (under honorable conditions). The applicant was commanded referred to the ASAP on 16 March 2011. The applicant consulted with counsel on 19 October 2011. The applicant was notified to appear before an administrative separation board on 27 October 2011. The board procedures and findings are NIF. The applicant underwent a BHE on 23 September 2011. The applicant was found to be mentally responsible, was able to participate in proceedings and diagnosed with adjustment disorder with anxiety and depressed mood. The separation authority considered the BHE and directed a general (under honorable conditions) characterization discharge on 30 March 2012.

c. The applicant contends suffering from PTSD and TBI without knowing. The applicant continues to explain if they were made aware of the condition sooner, they would have sought out medical and medication treatment to stay in the service. The applicant's AMHRR does not mention PTSD or TBI in medical records. The applicant did submit evidence from the VA supporting the contention of a PTSD diagnosis. The applicant has a 70 percent overall service-connected disability rating, PTSD is listed as an active disability, effective 17 January 2022.

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 with Anxiety and Depressed Mood, Alcohol Dependence, Cocaine Abuse, PTSD

(2) Did the condition exist or experience occur during military service? **Yes.** Adjustment Disorder with Anxiety and Depressed Mood, Alcohol Dependence, Cocaine Abuse, and combat related PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the trauma

occurred prior to the misconduct and nexus between PTSD and substance use, the basis 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:

c. Response to Contention(s): The applicant contends suffering from undiagnosed PTSD and TBI. 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 DUI and testing positive for Cocaine offenses. 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 concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (Adjustment Disorder with Anxiety and Depressed Mood) mitigates the basis of separation (DUI and testing positive for Cocaine) and warrants a change to the characterization of separation. Based on a preponderance of evidence, the Board determined that the characterization of the applicant's separation was inequitable. The Board voted to retain the narrative reason, separation and reentry codes as they were both proper and equitable.

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 DUI and testing positive for Cocaine. Thus, the prior characterization is no longer appropriate.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was both proper and equitable.

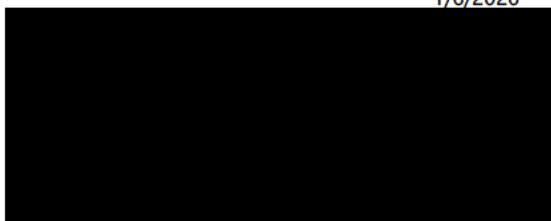
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

1/6/2026



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