

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 26 January 2022**b. Date Received:** 7 February 2022**c. Counsel:** [REDACTED]**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 and a change of their separation code, reentry and the narrative reason for separation.

(2) The applicant, through counsel, seeks relief contending their discharge was inequitable in that the misconduct and alleged drug abuse was not based on any evidence other than one individual's word that the applicant was present at a location and used a controlled substance. There was no positive drug screen, no confession, or statements from the applicant or any other individual. They were separated from the U.S. Army and labeled as a drug abuser for the rest of their life, simply based on a statement of an individual motivated to clear their own name.

(3) They received nonjudicial punishment under the provisions of Article 15. Their platoon sergeant and enlisted leadership spoke up for their good work ethic and the battalion commander informed them that they were not going to be separated. They went back to work and with normal duties. They completed their punishment and for six months they worked hard and has no other disciplinary issues. However, their brigade commander, which they believe was likely based on Command Pressure, initiated administrative separation and they were separated approximately six months after their misconduct.

(4) They have successful employment after their discharge from the U.S. Army and passed multiple required drug tests. They would like the opportunity to serve in the National Guard. They seek relief to remove an unfair label from their military record. After years of personal growth and maturation, it is fair that their character of service be upgraded. They have taken the consequences of their early mistakes to heart and has no desire to repeat them. Given the manifest injustice of their separation from the military without any substantive evidence other than a statement against them by an individual motivated to save their own career, the specter of unlawful command influence and the utter lack of actual evidence of use of illegal drug to support the administrative separation, they request relief.

**b. Board Type and Decision:** In a records review conducted on 21 November 2025, and by a 3-0 vote. The Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and revising the narrative reason for separation with a code of JKN. The reentry eligibility (RE) code will also change code to RE-3. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names available upon request.

**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:** 23 March 2017

**c. Separation Facts:** The applicant's case separation file from their Army Military Human Resource Record (AMHRR) only contains the Separation Authority Memorandum.

**(1) Date of Notification of Intent to Separate:** NIF

**(2) Basis for Separation:** NIF

**(3) Recommended Characterization:** NIF

**(4) Legal Consultation Date:** NIF

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

**(6) Separation Decision Date / Characterization:** 6 February 2017 / General (Under Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Reenlistment:** 25 August 2015 / 3 years, 16 weeks

**b. Age at Enlistment / Education / GT Score:** 18 / HS Diploma / 115

**c. Highest Grade Achieved / MOS / Total Service:** E-2 / 11B1O, Infantryman / 1 year, 6 months, 29 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** None

**f. Awards and Decorations:** NDSM, GWTSM, ASR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** The applicant's DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) dated 13 September 2016 reflects they received nonjudicial punishment, in that they, did, at or near Fort Hood, TX, on or about 31 July 2016, violated a lawful order, by wrongfully using dust cleaner (Canned Air) as an inhalant for the purposes of inducing euphoria, intoxication or stupefaction, in violation of Article 92, UCMJ. The applicant's punishment consisted of forfeiture of \$783.00 pay, extra duty and restriction for 45 days and an oral reprimand. The applicant elected not to appeal.

**(2)** Among the exhibit 3 documents submitted by the applicant's counsel, a letter signed by the applicant reflects the applicant's statement. They state they "realize and accept full

responsibility and accountability for my actions. I understand that underage drinking and the use of air duster to obtain a high, is in no way keeping with the standards set for a Soldiers conduct or the Army values. I had shown a sever lack of integrity, to do what is legally and morally right, in my choice to partake in such actions. In doing so I have brought not only discredit to myself, but also to those in my chain of command and the unit as a whole. I had made a mistake and I truly regret my decisions, but I am fully aware that they were completely my own doing and no one else's."

**(3)** A memorandum, Headquarters, 3rd Armored Brigade Combat Team, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant] dated 6 February 2017, reflects the separation authority reviewed the applicant's separation packet and after careful consideration of all matters, directed the applicant be separated from the Army prior to the expiration of their current term of service.

**(4)** A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 23 March 2017, with 1 year, 6 months, and 29 days of net active service this period. The DD Form 214 show in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 15 August 2016
- item 18 (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):** None

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Counsel's Memorandum, Administrative and Equitable Relief Requested with nine exhibits –
  - Exhibit 1 – DD Form 214
  - Exhibit 2 – Article 15 documents
  - Exhibit 3 – Rehabilitation Documents
  - Exhibit 4 – Separation Authority Memorandum
  - Exhibit 5 – Letters of Support
  - Exhibit 6 – Merchant Marine Credentials
  - Exhibit 7 – Iron Worker and Emergency Technician Credentials
  - Exhibit 8 – Military Certificates
  - Exhibit 9 – Enlisted Record Brief

**6. POST SERVICE ACCOMPLISHMENTS:** Intoxicated Driver Resource Center course

**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.** 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and DoD Instruction 1332.28.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) effective 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. It prescribes the policies, procedures, and the general provisions governing the separation of Soldiers before expiration term of service or fulfillment of active-duty obligation to meet the needs of the Army and its Soldiers.

(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) An 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 potential to serve honorably and well, be given every opportunity to succeed. Commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated. The rehabilitative transfer requirements 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 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

**g.** 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).

**h.** 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.

## **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 an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation only contains the separation authority memorandum. Their AMHRR does contain a properly constituted DD Form 214. The DD Form 214 indicates the applicant was discharged with a character of service of General (Under Honorable Conditions) for misconduct (drug abuse). They completed

1 year, 6 months, and 29 days of net active service and did not complete their first full term of service of their 3-year, 16 weeks 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; to include abuse of illegal drugs; 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.

d. 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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: **N/A**

c. Response to Contention(s):

(1) The applicant contends their discharge was inequitable in that the misconduct and alleged drug abuse was not based on any evidence other than one individual's word that the applicant was present at a location and used a controlled substance. There was no positive drug screen, no confession, or statements from the applicant or any other individual. The applicant contends they were separated from the U.S. Army and labeled as a drug abuser for the rest of their life, simply based on a statement of an individual motivated to clear their own name. The applicant contends they completed their punishment and for six months they worked hard and has no other disciplinary issues. However, their brigade commander, which they believe was likely based on Command Pressure, initiated administrative separation and they were separated approximately six months after their misconduct. The Board considered this contention but found insufficient evidence in the applicant's AMHRR or applicant-provided evidence to show that the command acted in an arbitrary or capricious manner, other than the applicant's contention.

(2) The applicant contends they had successful employment after this discharge from the U.S. Army and passed multiple required drug tests. They would like the opportunity to serve in the National Guard. They seek relief to remove an unfair label from their military record. The Board reviewed this contention and voted to change the RE-code as RE-3, which is a waivable code. An RE Code of "3" means the applicant must obtain a waiver to be eligible for reenlistment.

(3) The applicant contends after years of personal growth and maturation; it is fair that their character of service be upgraded. They have taken the consequences of their early mistakes to heart and has no desire to repeat them. The applicant contends given the manifest injustice of their separation from the military without any substantive evidence other than a statement against them by an individual motivated to save their own career, the specter of unlawful command influence and the utter lack of actual evidence of use of illegal drug to support the administrative separation, they request relief. The applicant bears the responsibility of satisfying the burden of proof by providing documents or other evidence sufficient to support their contention that the discharge was improper or inequitable due to the wrongful use of drugs. After reviewing the current evidence of record and evaluating all aspects of the applicant's service, the Board determined that this contention was valid. Consequently, the Board voted to upgrade the characterization of service, as the applicant has demonstrated significant post-service achievements that warrant clemency.

d. The Board determined the discharge is inequitable based on the applicant's frequency of wrongful use of dust cleaner misconduct. Also, they have shown significant post-service achievements to warrant clemency. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable.

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 and change the SPD code to JKN.

(3) The RE code will change to RE-3.

# ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220005836

## 10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: JKN
- d. Change RE Code to: RE-3
- e. Change Authority to: AR 635-200

## Authenticating Official:

12/1/2025



### 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  
UOTH – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs