

1. Applicant's Name: [REDACTED]

a. **Application Date:** 30 November 2021

b. **Date Received:** 14 March 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.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, to have attempted to seek help while on active duty, but the applicant's superiors would not allow the applicant to go to the medical facility. The applicant was desperate and decided to self-medicate. The applicant continued to seek medical care, but the superiors would not allow the applicant to do so. The applicant would hear the superiors laugh behind the applicant's back when the applicant requested medical assistance. At the end of 2019, the applicant went to Behavioral Health (BH) to seek help, but BH told the applicant unless the applicant was ready to commit suicide at that moment, there was not any treatment BH could offer the applicant. The applicant attempted to get assistance from their first-line supervisor and first sergeant (1SG), but the supervisor and 1SG laughed and told the applicant the applicant was a joke. The applicant continued to seek help from BH, but did not receive any appointments. In March 2020, the applicant received an appoint with a doctor who was in the middle of transitioning. The applicant learned the doctor canceled multiple appointments. The applicant requested a new doctor in April 2020 received an appointment with a counselor. The counselor did not offer any treatment, other than one call a week. The applicant informed of what the applicant was going through mentally. Finally, the applicant met with a doctor. In May 2020, the applicant reached their breaking point. The applicant was hopeless, depressed, and on the verge of wanting to kill themselves. The applicant had never used marijuana, but a friend told the applicant using marijuana would help. The applicant just wanted something to help cope with their mental health issues. After the applicant used the marijuana, the applicant told their 1SG. Since the applicant's discharge, the applicant has maintained stable employment and has been drug-free. The applicant always wanted to go to college and hoped to use the GI Bill because the applicant could not afford it. The applicant believes they served their country honorably, and it should be notated. The applicant indicated post-traumatic stress disorder (PTSD) and other mental health conditions are related to the application.

c. **Board Type and Decision:** In a records review conducted on 09 March 2026, 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 (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 the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is 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:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220005989

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / AR 635-200, Paragraph 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 16 June 2021

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 14 May 2021

(2) Basis for Separation: The applicant was informed of the following reasons: Between on or about 22 June 2020 and 22 July 2020 and between on or about 29 April 2020 and 29 May 2020, the applicant wrongfully used marijuana, a Schedule I controlled substance.

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

(4) Legal Consultation Date: On 21 June 2021, the applicant waived legal counsel. (The AMHRR reflects the applicant waived legal counsel after the case was approved by the separation authority.)

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 28 May 2021 / General (Under Honorable Conditions).

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 19 June 2018 / 3 years, 19 weeks

b. Age at Enlistment / Education / GT Score: 17 / HS Graduate / 99

c. Highest Grade Achieved / MOS / Total Service: E-4 / 88M1O, Motor Transport Operator / 2 years, 11 months, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (8 January 2019 – 26 September 2019)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 12 June 2020, indicates the applicant tested positive for THC 81 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 29 May 2020.

(2) Electronic Copy of Specimen Custody Document – Drug Testing, 5 August 2020, indicates the applicant tested positive for THC 389 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 2 July 2020.

(3) Display Patient Appointments, undated shows the applicant's appointment for Behavioral Health was scheduled for 15 April 2021.

(4) A Company, 127th Aviation Support Battalion, Combat Aviation Brigade, 1st Armored Division, Fort Bliss, memorandum, subject: Commander's Report – Proposed Separation under AR 635-200, Chapter 14-12c(2), Misconduct-Abuse of Illegal Drugs, [Applicant], 24 May 2021, indicates the applicant received:

(a) Field Grade Article 15 for wrongful use of marijuana. The imposed punishment included a reduction to E-1, forfeiture of \$866 pay, and 45 days of extra duty and restriction.

(b) Field Grade Article 15 for wrongful use of marijuana. The imposed punishment included a forfeiture of \$866 pay per month for two months and 45 days of extra duty and restriction.

(5) Three Developmental Counseling Forms document instances of the applicant's favorable actions being suspended and the applicant pending separation for use of illegal drugs.

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:

(a) Chronological Record of Medical Care, from 22 February 2021 to 28 April 2021, reflects the applicant was diagnosed with adjustment disorder with mixed anxiety and depressed mood, other problem related to employment, insomnia unspecified, problems of adjustment to life transitions. The applicant was screened for depression, anxiety, PTSD, and traumatic brain injury, with positive findings for anxiety, depression, and PTSD. The applicant had no BH condition or diagnosis that constituted a matter of extenuation in relation to the basis for the administrative separation. The applicant met medical retention standards.

(b) Department of Veterans Affairs (VA) letter, 27 January 2022 Department of Veterans Affairs, indicates the applicant received a 90 percent disability rating. However, the decision does not specify the conditions associated with this rating.

(c) The VA.gov Disabilities, 9 March 2022, shows the VA rated the applicant 70 percent disabled for PTSD-combat, with a total combined disability rating of 90 percent.

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 23 February 2021, indicates the applicant was psychiatrically cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings and met medical retention requirements. The applicant was screened for depression, anxiety, PTSD and TBI, with negative findings. The applicant has no BH condition or diagnosis that constituted a matter of extenuation in relation to the basis for the administrative separation. The AMHRR is void of the first page of the document.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; self-authored statement; VA letter; VA.gov Disabilities webpage; Chronological Record of Medical Care.

6. POST SERVICE ACCOMPLISHMENTS: The applicant maintained steady employment and has been drug-free.

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 waiverable. Eligibility: Ineligible unless a waiver is granted.
- 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 (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.

(c) Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

(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 evidence of record shows the applicant's immediate commander-initiated separation because the applicant used marijuana on two occasions. The immediate and intermediate commanders recommended separation with a general (under honorable conditions). The separation authority approved the recommendations.

c. The applicant contends:

(1) The applicant suffered from PTSD and other mental health issues, which affected behavior and led to the discharge. The applicant provided medical documents to show the applicant was diagnosed with service-connected PTSD-combat, adjustment disorder with mixed anxiety and depressed mood, other problem related to employment, insomnia unspecified, problems of adjustment to life transitions. The applicant was screened for depression, anxiety, PTSD, and traumatic brain injury, with positive findings for anxiety, depression, and PTSD. The applicant had no BH condition or diagnosis that constituted a matter of extenuation in relation to the basis for the administrative separation. The applicant met medical retention standards. The VA rated the applicant 70 percent disabled for PTSD-combat, with a total combined disability rating of 90 percent. The applicant's AMHRR shows the applicant underwent a mental status evaluation (MSE) on 23 February 2021, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The applicant was screened for depression, anxiety, PTSD and TBI, with negative findings. The applicant has no BH condition or diagnosis that constituted a matter of extenuation in relation to the basis for the administrative separation. The AMHRR is void of the first page of the MSE. The separation authority considered the MSE.

(2) The applicant's leadership refused to allow the applicant to receive medical treatment and mocked the applicant. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

(3) The applicant-maintained employment and has been drug free. 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.

(4) 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: PTSD (70%SC). [Note-diagnosis of Adjustment DO is subsumed under diagnosis of PTSD.]

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant has a VA service connection for PTSD which establishes nexus with active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating BH condition, PTSD. As there is an association between PTSD and self-medication

with illicit drugs, there is a nexus between their diagnosis of PTSD and two incidences of wrongful use of marijuana.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's PTSD outweighed the applicant's drug abuse.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends suffering from PTSD and other mental health issues, which affected behavior and led to the 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 abuse offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the leadership refused to allow the applicant to receive medical treatment and mocked the applicant. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense.

(3) The applicant contends maintaining employment and being drug free. The Board considered the applicant's post service accomplishments during deliberation.

(4) 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 found the discharge inequitable because the applicant's misconduct was fully mitigated by a severe Behavioral Health (BH) condition. The medical advisor established a direct nexus between the misconduct and the applicant's diagnoses, linking their wrongful use of marijuana to PTSD, avoidance, and substance abuse as a form of self-medication. This conclusion was supported by extensive in-service Mental Health (MH) records—which documented multiple dependence and anxiety disorders—and a post-service VA rating of 100% Service-Connected (SC) with 70% for PTSD. Therefore, after considering the medical opine and noting the applicant's length and quality while in service as well as their combat deployment, the Board granted relief, upgrading the discharge to Honorable (HD) and changing the Separation Code to JKN, with no change to the Reenlistment (RE) code.

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.

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(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.

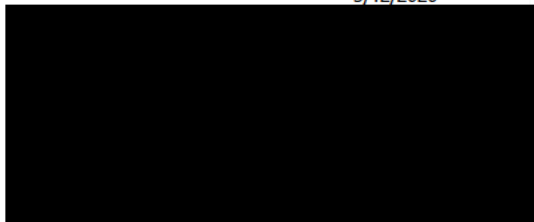
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214 / Separation Order:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

3/12/2026

**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