

1. Applicant's Name: [REDACTED]**a. Application Date:** 30 March 2022**b. Date Received:** 7 April 2022**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to Honorable; a narrative reason for separation change from Misconduct (Drug Abuse) to Secretarial Authority and the appropriate changes to their separation and reentry code.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect that their quality of service is consistent with an honorable discharge. Not having an honorable discharge is affecting the applicant's civilian life. The Wilkie memo should be understood the applicant's offense is less severe to today than when it was committed. There were errors in the discharge packet including another offense in their report. The applicant was also undergoing a Medical Evaluation Board (MEB) simultaneously.

c. Board Type and Decision: In a records review conducted on 29 January 2026, and by a 2-1 vote, the Board determined that relief was warranted based on the applicant's length of service, the substantial time that had passed since the incident, and the Board's assessment that the corrective purpose of both the Article 15 and the separation had already been achieved, which collectively mitigated the single instance of wrongful marijuana use. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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. 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:

a. Reason / Authority / Codes / Characterization: Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 9 September 2011

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 22 August 2011

(2) Basis for Separation: The applicant was informed of the following reason: The applicant wrongfully used marijuana between on or about 6 December 2010 and 6 January 2011.

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

(4) Legal Consultation Date: 25 August 2011

(5) Administrative Separation Board: N/A

(6) Separation Decision Date / Characterization: 2 September 2011 / General (Under Honorable Conditions) / The separation authority considered both the chapter separation packet and medical evaluation board packet. The medical evaluation packet is not in the file or uploaded to the AMHRR.

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 13 September 2007 / 3 years, 11 months, 27 days

b. Age at Enlistment / Education / GT Score: 20 / GED / 100

c. Highest Grade Achieved / MOS / Total Service: E-2 / 25B1O Information Technology Specialist / 3 years, 11 months, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None / The application in block 20, reflects a relation between the request to Operation Iraqi Freedom. There are no documents provided as evidence to support.

f. Awards and Decorations: NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) One Performance/Professional Monthly Counseling Form.

(a) Record of Counseling: The applicant was counseled on 1 January 2010 with key points of discussions of duties, physical fitness, military bearing, personal development and appearance. (1) Duties: Outstanding job this month, (2) Physical Fitness: Having trouble with weight and PT (3) Military Bearing: Other than not showing up for some formations, did well (4) Personal Development: Did not begin college courses (5) Appearance: be professional and maintain standards in AR 670-1.

(2) One Event Oriented Counseling Form, for testing positive on the drug screen.

(a) Record of Counseling. The applicant was counseled on 25 January 2011 for testing positive on a Command Ordered Urinalyses held on 6 January 2011. Their sample was positive for THC 22. The applicant stated while on Christmas block leave, they were hanging out with others who were smoking marijuana, but they did not partake in smoking marijuana. The supervisor also mentioned the applicant was going through Medical Discharge, but the action would begin administrative separation and recommend immediate separation.

(3) Field Grade Article 15, 22 March 2011, for wrongful use of marijuana between on or about 6 December 2010 and 6 January 2011; reduction to E-1, forfeiture of \$733 pay per month for two months (suspended), and 45 days of extra duty and restriction.

(4) Third-Party Letter from SGT C. N, 19 July 2012. Stated the applicant was their Soldier from 1 February 2009 to 9 September 2011. SGT N. annotated that the applicant was always one of his best Soldiers and would put them in charge of the shop on a regular basis. In their opinion, the applicant deserves an Honorable Discharge based on work ethic, performance, attention to detail, and Army Values.

(5) Third-Party Letter from SGT S. F, 7 June 2021. Stated the applicant was a fellow Soldier from March 2009 – January 2011. SGT F. annotated that as the briefly held the supervisor position, the applicant was a trusted, vital member of the team. In their opinion, the applicant deserves an Honorable Discharge based on work ethic, attention to detail and Army Values.

(6) Third-Party Letter from SGT C. P., 3 June 2021. Stated the applicant was a fellow Soldier from 2007 – 2010. SGT P. was assigned in the S4 Section, a different section from the applicant. SGT P. annotated that the applicant was counted on to ensure unit level tasks were completed and kept accountability of personnel and equipment in the absence of an NCO. In their opinion, the applicant deserves and Honorable Discharged based on work ethic, warrior tasks and drills and MOS proficiency and dedication to comrades and the unit.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Report of Mental Status Evaluation Form, 1 August 2011, provides follow-up appointments with the Fort Polk Mental Health Clinic referral. Listed diagnosis were insomnia, herniated, and bulging disks.

(2) AMHRR Listed: Report of Mental Status Evaluation Form as described in 4j(1).

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Legal Brief with all listed enclosures A through E; petitioner's brief; petitioner's personal statement; Enlisted Record Brief; medical records; copies of military personnel records; three third-party letters; case separation packet; marijuana articles.

6. POST SERVICE ACCOMPLISHMENTS: None submitted in support of the application.

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 waivable and nonwaivable 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 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) 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.

(c) 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 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(b) 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.

(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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

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; a narrative reason for separation change from Misconduct (Drug Abuse) to Secretarial Authority and the appropriate changes to their separation and reentry code. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's Army Military Human Resources Record (AMHRR) reflects the applicant was counseled on 25 January 2011 for testing positive on the 6 January 2011 Command Ordered Urinalyses. The applicant tested positive for THC 22. The counseling mentioned the applicant stated they did not partake in smoking marijuana but participated in party where others were smoking it. There was evidence of the applicant was also going through MEB process for back issues due to herniated and bulging disks. The applicant also provided evidence they suffered from insomnia on the Report of Mental Status Evaluation. The applicant was counseled on 1 January 2010 about their issues with weight, PT, and not showing up to formations. There is also evidence of the death of the applicant's grandparent. The applicant's AMHRR does include a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of general (under honorable conditions).

c. The applicant contends the Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Serious Offense)," as the narrative reason for discharge under this provision and assign the separation code "JJK." Army Regulation 635-8 (Separation Processing and Documents) governs how officials prepare the DD Form 214. This regulation mandates that block 28 must list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator

(SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason.

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

e. The applicant contends unfair judgement for a single incident of misuse of marijuana. The counsel provided inserts from the Wilkie Memo and Kurta Memo to justify their stance on harsh punishment.

f. The third-party statements provided with the application reflect their work ethics, performance and dedication to the unit.

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: (Chronic) Adjustment Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder and is service connected by the VA for Chronic Adjustment Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there is no mitigation for the basis of separation. The applicant was diagnosed in service with an Adjustment Disorder and is 50% service connected by the VA for Chronic Adjustment Disorder effective as of January 2025. The applicant's service connected Chronic Adjustment Disorder is acknowledged, but there is no evidence that the condition existed at the time of the wrongful marijuana use that led to the separation. The applicant's service diagnosis of Adjustment Disorder was in November 2008. An Adjustment Disorder is a transient condition associated with difficulty adjusting that resolves within six months. The applicant underwent multiple evaluations around the time of the misconduct in 2011 that found no evidence of an Adjustment Disorder. And the applicant's service connected Chronic Adjustment Disorder was determined to have started in January 2025 which indicates that it was a progression that did not exist until 14 years after the applicant's discharge. Accordingly, the applicant's Chronic Adjustment Disorder did not contribute to the discharge, so there is no mitigation for the marijuana use that led to the separation.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, the ADRB determined that the applicant's diagnosed Chronic Adjustment Disorder did not outweigh the wrongful use of marijuana

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends the misconduct was attributed towards personal family circumstances. The Board considered the contention and determined that personal family circumstances did not mitigate the wrongful use of marijuana; however, an upgrade was granted based on length of service, the substantial time since the incident, and the corrective effect already achieved through the Article 15 and separation.

(2) The applicant contends through counsel there were administrative errors. The Board considered the contention and found no administrative errors significant enough to invalidate the separation yet still granted an upgrade due to length of service, the long period since the misconduct, and the purpose already being fulfilled by prior disciplinary actions.

(3) The applicant contends through counsel the separation authority had to consider the misconduct and the service-incurred medical conditions. The Board considered the contention and concluded that the separation authority acted within regulatory requirements and that the medical conditions did not mitigate the misconduct; nonetheless, an upgrade was granted in recognition of length of service, the time elapsed since the incident, and the corrective effect of the Article 15 and separation.

d. The Board determined that relief was warranted based on the applicant's length of service, the substantial time that had passed since the incident, and the Board's assessment that the corrective purpose of both the Article 15 and the separation had already been achieved, which collectively mitigated the single instance of wrongful marijuana use. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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. The Board determined the reentry code is proper and equitable and voted not to change it. However, the applicant may request a personal appearance hearing to address further issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

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 upgrade the applicant's discharge to Honorable, finding that the single instance of wrongful marijuana use was mitigated by the applicant's length of service, the significant time that had passed since the incident, and the Board's determination that the corrective purpose of both the Article 15 and the separation had already been achieved.

(3) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220006638**

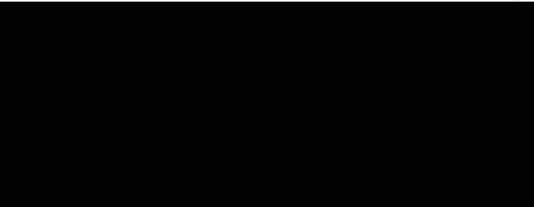
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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: AR 635-200, paragraph 14-12a

Authenticating Official:

2/6/2026

**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