

1. Applicant's Name: [REDACTED]

a. **Application Date:** 31 October 2021

b. **Date Received:** 28 February 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, a narrative reason change, a separation code change, and a reentry eligibility code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the applicant suffered from undiagnosed post-traumatic stress disorder, which led to the discharge. The applicant had been seeking treatment and was prescribed marijuana for medical reasons.

c. **Board Type and Decision:** In a records review conducted on 22 January 2026, and by a 3-0 vote, the Board determined the discharge was inequitable because the applicant's Dysthymic Disorder and experiences of Intimate Partner Violence (IPV) mitigated the wrongful use of Tetrahydrocannabinol (THC). 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.

d. 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:** 1 April 2015

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 2 March 2015

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant tested positive for the wrongful use of marijuana on 17 October 2014 and 4 December 2014.

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

(4) **Legal Consultation Date:** 4 March 2015

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

(6) Separation Decision Date / Characterization: 18 March 2015 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 30 April 2012 / 4 years

b. Age at Enlistment / Education / GT Score: 19 / HS Graduate / 94

c. Highest Grade Achieved / MOS / Total Service: E-4 / 25U1O, Signal Support System Specialist / 2 years, 11 months, 2 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Korea / None

f. Awards and Decorations: AAM, NDSM, KDSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 29 October 2014, indicates the applicant tested positive for THC 20 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 17 October 2014.

(2) Sworn Statement, 3 November 2014, indicates the applicant provided a statement under oath admitting to smoking marijuana. It was not the first time the applicant smoked marijuana. The applicant smoked marijuana when the applicant began to become sick. The applicant bounced around from doctor to doctor to figure out what was wrong with the applicant. Marijuana helped the applicant when the applicant was mentally stressed and physically ill. The applicant sought help through the chain of command, to no avail; therefore, the applicant had to take matters into the applicant's own hands.

(3) The CID Report of Investigation - Initial Final, 5 November 2014, indicates the investigation found probable cause to believe the applicant wrongfully used a controlled substance. The applicant submitted a urine specimen on 17 October 2014 during a unit urinalysis test, which later tested positive for marijuana.

(4) Army Substance Abuse Program (ASAP) Enrollment Form, 14 November 2014, indicates the applicant was command-referred into the program because of a positive urinalysis for marijuana. The applicant was enrolled in the Track II rehabilitation program.

(5) Report of Medical History, 18 November 2014, reflects the examining medical physician noted in the comments section: Headaches treated NSAIDs, APAP, Elavil, and Sumatriptan, still had sporadic headaches.

(6) Army Substance Abuse Program (ASAP) Enrollment Form, 8 December 2014, indicates the applicant was command-referred into the program because of a positive urinalysis.

(7) Electronic Copy of Specimen Custody Document – Drug Testing, 12 December 2014, indicates the applicant tested positive for THC 54 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 4 December 2014.

(8) Summary of Army Substance Abuse Program (ASAP) Rehabilitation Efforts for [Applicant], memorandum, 16 December 2014, reflects the applicant's rehabilitation team met and determined the applicant used marijuana while enrolled in ASAP. Further rehabilitation efforts in a military environment were not practical considering the applicant's continued use. Discharge should be affected for rehabilitation failure.

(9) Statement of Medical Examination and Duty Status, 29 May 2015, reflects on 13 March 2015, the applicant suffered a head injury, headache, whiplash on right side of the shoulder, neck, and low back pain when on 13 March 2015, the applicant was rear ended and hit their head on the steering wheel. The applicant reported to the emergency room the next day complaining of headache and right shoulder, neck, and low back pain. The injury was found in line of duty.

(10) Three Developmental Counseling Forms document instances of the applicant being late to formation, testing positive on two urinalysis tests, favorable actions being suspended, and pending separation.

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) Department of Veterans Affairs Medical Center (VAMC) Problems Lists, 22 February 2022, reflects the applicant was diagnosed with traumatic brain injury (TBI), acute stress disorder, cannabis dependence, recurrent major depression, depressive disorder, and a history of a self-harm and a suicide attempt.

(b) Department of Veterans Affairs Disability Rating Decision, 8 March 2024, indicates the applicant received a 70 percent disability rating for persistent depressive disorder, 90 percent combined rating.

(2) **AMHRR Listed:** Report of Mental Status Evaluation (MSE), 22 January 2015, 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, appreciated the difference between right and wrong, and met medical retention requirements. PTSD and mild TBI screenings were conducted, and the applicant tested positive for mild TBI. The conditions were either absent or, if present, did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider their influence.

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record; Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; VA letter; VA Rating Decision; VAMC Problems List; and driver license.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with 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 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 14-2c, 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 14-12c (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, a narrative reason change, a separation code change, and a reentry eligibility code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's immediate commander-initiated separation because the applicant tested positive for marijuana on two occasions. The chain of command recommended a general (under honorable conditions) discharge, and the separation authority approved the recommendation.

c. The applicant contends:

(1) The applicant suffered from undiagnosed PTSD and other mental health issues, which affected behavior and led to the discharge, and the VA rated the applicant service-connected disabled for PTSD. The applicant provided several medical documents indicating the applicant was diagnosed with TBI, acute stress disorder, cannabis dependence, recurrent major depression, depressive disorder, and a history of self-harm and a suicide attempt. The VA rated the applicant 70 percent disabled for persistent depressive disorder. The AMHRR shows the applicant received head, neck, and shoulder injuries when the applicant was rear-ended in a car accident while in military service. The command considered the injuries in the line of duty. The applicant underwent a mental status evaluation (MSE) on 22 January 2015, which indicates the applicant was mentally responsible and recognized right from wrong. The applicant tested positive for mild TBI, but the MSE does not indicate any diagnosis. The separation authority considered the MSE.

(2) The Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c (2), of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Drug or Alcohol Abuse)," as the narrative reason for discharge under this provision and assign the separation code "JKK." 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.

(3) 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 (2) is "JKK."

(4) The applicant requests an RE Code change. Soldiers receive reentry codes during separation based on service records or discharge reasons. Army Regulation 601-210 assigns the applicant an RE code of "4," which is appropriate under the circumstances. An RE code of "4" remains ineligible for waiver, preventing reenlistment.

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: Dysthymic Disorder, IPV. Additionally, the applicant asserts PTSD, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant is service connected by the VA for Dysthymic

Disorder which establishes that the condition existed during military service. There is also evidence that the applicant was the victim of IPV during military 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 there is evidence of BH conditions and experiences that mitigate the basis of separation. The applicant is 70% service connected by the VA for Dysthymic Disorder and there is evidence that the applicant was the victim of IPV during military service. There is a nexus between Dysthymic Disorder and using substances for self-medication and victims of IPV may also use substances to cope with the effects of violence. Accordingly, the applicant's Dysthymic Disorder and IPV mitigate the wrongful uses of marijuana that led to the separation. There is insufficient medical evidence to support the applicant's asserted PTSD, but the lack of medical evidence for the asserted PTSD is inconsequential given the full mitigation based on the applicant's Dysthymic Disorder and IPV.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the applicant's Dysthymic Disorder and experiences of IPV mitigated the wrongful use of THC that led to the separation.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant suffered from undiagnosed PTSD and other mental health issues which affected behavior and led to the discharge, and the VA rated the applicant service-connected disabled for PTSD. The Board considered this contention and ultimately granted relief based on evidence that the applicant's Dysthymic Disorder and experiences of IPV mitigated the wrongful use of THC that led to the separation.

d. The Board determined, after 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 (Dysthymic Disorder and IPV) mitigates the basis of separation (wrongful use of THC) and warrants a change to the character and narrative reason for separation. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable. The Board voted to retain the reentry code based on the medical diagnosis. 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 applicant's Dysthymic Disorder and experiences of IPV outweighed the wrongful use of THC that led to the separation.

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

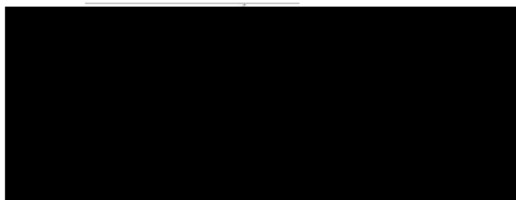
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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

Authenticating Official:

1/27/2026

**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