

1. Applicant's Name: [REDACTED]**a. Application Date:** 12 April 2022**b. Date Received:** 14 April 2022**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests honorable and requests a change to the narrative reason for separation.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect the discharge was inequitable because of those around the applicant. The applicant contends their mental health as well as SHARP case were seen as stressful factors. The applicant contends their chain of command was not appropriately helping the applicant and felt as if a spotlight was put on them. The applicant contends this bred frustration and depression. The applicant contends good service.

c. Board Type and Decision: In a records review conducted on 26 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on medical/BH mitigation for the Basis of Separation. The board voted to upgrade to Honorable due to medical mitigation and the applicant's length of service. The board determined no upgrade was warranted for the reentry code as it was proper and equitable. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 29 March 2021

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 22 January 2021

(2) Basis for Separation: The applicant was informed of the following reasons: wrongfully possessed and used marijuana.

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

(4) Legal Consultation Date: On 27 January 2021, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 29 January 2021 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 9 May 2017 / 6 years
- b. **Age at Enlistment / Education / GT Score:** 19 / High School Graduate / 110
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 68P1O, Radiology Specialist / 3 years, 10 months, 21 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** NDSM, GWOTSM, ASR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) Eleven Developmental Counseling Forms document instances of the applicant being counseled for cancelling / missing medical appointments and notification that failure to attend appointments are grounds for administrative action by the command IAW AR 635-200 and Company Policy Letter #22, and deficiency in Record APFT Standards (27 January 2020); Record APFT (12 February 2020); Failure to go to appointed place of duty and failure to adhere to general orders (13 March 2020); Failure to submit time card (24 April 2020); Failure to report (15 June 2020); Abandoning watch or guard and disrespect to a senior Non-Commissioned Officer (NCO) and Notice of Suspended Favorable Personnel Actions (FLAG) (16 June 2020); Notice of Removal FLAG code M (Law Enforcement Investigation) and initiating FLAG code U (Drug Abuse Adverse Action); notification of commander's intent to initiate involuntary administrative separation; Removal of FLAG code U, Commander recommendation for FG Article 15, and Command Referral to SUDCC for enrollment (17 November 2020).

(2) Confirmation Notification of Soldier Positive Urinalysis Results Memorandum, 4 November 2020, reflects the applicant's commander was informed of the sample taken from the applicant was tested and gave a positive result for THC. Recommendations for a SUDCC for evaluation, a FLAG is to be initiated, report to the ASAP manager, and a Prime For Life appointment.

(3) Electronic Copy of Specimen Custody Document – Drug Testing, 27 October 2020, indicates the applicant tested positive for THC 38 (marijuana) during a Probable Cause (PO) urinalysis testing conducted on 14 October 2020.

- 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:** None

- (2) **AMHRR Listed:**

(a) Report of Mental Status Evaluation (MSE), 29 October 2020, indicates the applicant was 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 mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was not cleared for final administrative separation at time of MSE, but the command was advised the applicant was cleared for administrative action IAW AR 635-40, pending results of the Medical Evaluation Board (MEB) and determination by the GCMCA.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Application for Correction of Military Record.

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.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(a) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of

acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(b) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 14-3, prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(b) Paragraph 14-12c (2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation under paragraph 14-12a or 14-12b as appropriate.

(3) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, misconduct (drug abuse).

8. SUMMARY OF FACT(S): Standard of Review. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests an upgrade to honorable and a narrative reason change. The applicant's Army Military Human Resource Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant was notified with the intent to separate on 22 January 2021 for wrongfully possessing and using marijuana. The applicant was recommended a General (Under Honorable Conditions) discharge. The applicant waived rights to have counsel on 27 January 2021. The applicant underwent an MSE where they noted to be in the middle of the MEB process. The medical provided recommended to the command to wait for the results before finalizing the administrative separation procedures. The applicant was also not found to have any mental health defects. The applicant's AMHRR is void of the separation authority direction on discharge characterization and date of memorandum. The applicant's DD Form 214 reflects a General (Under Honorable Conditions) discharge effective 29 March 2021.

c. The applicant contends the discharge was inequitable because of the those around the applicant. The applicant claims their chain of command was not appropriately helping the applicant and felt as if a spotlight was put on them. The applicant contends this bred frustration and depression. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command. The applicant provided no supporting evidence beyond their statement to support the contention.

d. The applicant contends their mental health as well as SHARP case were seen as stressful factors. The applicant was evaluated by a competent medical officer and was not diagnosed with any mental defects. The applicant was noted to be in the middle of a MEB. The applicant did not submit any documentation supporting OBH concerns.

e. The applicant contends good service. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

f. The applicant contends 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 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.

g. The applicant contends the discharge was inequitable because of the those around the applicant. The applicant contends their chain of command was not appropriately helping the applicant and felt as if a spotlight was put on them. The applicant contends this bred frustration and depression. The applicant's AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command. The applicant provided no supporting evidence beyond their statement to support the contention.

h. The applicant contends their mental health as well as SHARP case were seen as stressful factors. The applicant underwent an MSE on 29 October 2020. The applicant was not found to have any mental health defects at the time of the evaluation. The applicant provided no supporting evidence beyond their statement to support the contention.

i. The applicant contends good service. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

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, Major Depressive Disorder, Unspecified Anxiety 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, Major Depressive Disorder, and Unspecified Anxiety Disorder and is service connected by the VA for Chronic Adjustment Disorder.

(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 that mitigate the basis of separation. The applicant was diagnosed in service with an Adjustment Disorder, Major Depressive Disorder, and Unspecified Anxiety Disorder and is service connected by the VA for Chronic Adjustment Disorder. Given the nexus between Major Depressive Disorder, Unspecified Anxiety Disorder, and using substances for self-medication, the possession and use of marijuana that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's condition or experience outweighed the listed basis for separation.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends the discharge was inequitable because of the those around the applicant. The applicant contends their mental health as well as SHARP case were seen as stressful factors. The Board considered this contention was valid and voted to upgrade the characterization of service due to medical and behavioral health (BH) mitigation related to the Basis of Separation. The upgrade was granted based on the medical mitigation and the applicant's length of service. However, the Board determined that no upgrade was warranted for the reentry code, as it was deemed proper and equitable.

(2) The applicant contends good service. The Board recognizes and appreciates the applicant's willingness to serve and considered this contention during board proceedings along with the totality of the applicant's service record. The board voted to upgrade to Honorable due to this medical mitigation and the applicant's length of service.

d. The Board determined the discharge is inequitable based on medical/BH mitigation for the Basis of Separation. The board voted to upgrade to Honorable due to this medical mitigation and the applicant's length of service. The board determined no upgrade was warranted for the reentry code as it was proper and equitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220007343****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 not to change the applicant's reason for discharge or accompanying SPD code to JKN.

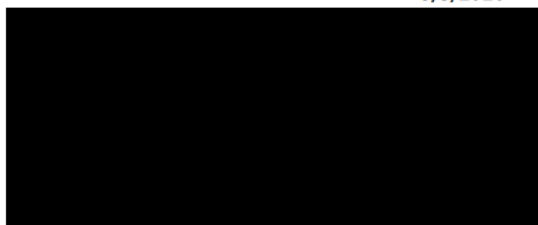
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD code to: JKN**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200 paragraph 14-12a**

Authenticating Official:

3/5/2026



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