

1. Applicant's Name: [REDACTED]**a. Application Date:** 29 March 2022**b. Date Received:** 18 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 Under Other Than Honorable conditions. The applicant requests an upgrade in characterization of service to Honorable.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect the applicant was a young inexperienced adult and mother of pre-mature born twins and claims PTSD.

c. Board Type and Decision: In a records review conducted on 20 January 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service outweighing a one-time drug abuse. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable. 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: Use of Illegal Drugs / AR 135-178, Chapter 12-1d / NA / NA / Under Other Than Honorable Conditions

b. Date of Discharge: 11 August 2012

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 1 June 2012

(2) Basis for Separation: The applicant was informed of the following reason: Abuse of illegal drugs. The applicant wrongfully used marijuana between on or about 17 February 2012 and on or about 17 March 2012.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: The separation packet was mailed to the applicant on 5 June 2012, to the last known address the applicant provided to the unit. On 11 June 2012, the separation packet was marked as delivered by the United State Postal System. The applicant was given 30 days to respond to the notification of intent to separate. The applicant failed to respond within 30 calendar days which constitutes a waiver of their rights.

(5) Administrative Separation Board: The applicant failed to acknowledge receipt of the mailed separation waiving their right to an administrative separation board.

(6) Separation Decision Date / Characterization: 3 August 2012 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment Under Review:** 9 February 2008 / 8 years
- b. **Age at Enlistment / Education / GT Score:** 17 / High School / 90
- c. **Highest Grade Achieved / MOS / Total Service:** NIF / 92Y1O, Unit Supply Specialist /
- d. **Prior Service / Characterizations:** AD, 11 June 2008 – 22 October 2008 / UNC
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** NDSM, ASR
- g. **Performance Ratings:** NA

h. Disciplinary Action(s) / Evidentiary Record:

- (1) DD 2624, Positive urinalysis results for THC (261) collected on 17 March 2012.
- (2) Administrative separation notification of separation proceedings memorandum signed on 1 June 2012.
- (3) Affidavit of service of mail memorandum documented that the separation packet was sent to the applicant's mailing address on 5 June 2012.
- (4) USPS track and confirm shows the mailed separation packet was delivered to the applicant's mailing address on 11 June 2012.
- (5) The separation authority directed separation after the applicant was provided more than 30 calendar days to respond to the mailed notification separation packet. The separation authority directed the applicant be separated on 3 August 2012, with an Under Other Than Honorable Conditions characterization of service and reduced in grade from E4 to E1.

i. Lost Time / Mode of Return: None**j. Behavioral Health Condition(s):** None

- (1) **Applicant provided:** The applicant claimed PTSD on the application; however, the applicant did not provide any additional information in support of the application.

(2) AMHRR Listed: NIF**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge.**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. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. 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.

d. Army Regulation 135-178 (Enlisted Administrative Separations), prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 2 provides general guidance, which applies when referenced under the reasons for separation in this regulation. Further guidance is set forth under the specific reasons for separation in chapters 4 through 15.

(a) Paragraph 2-9a prescribes an honorable characterization 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 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(c) Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances.

(2) Chapter 11 (previously Chapter 12), 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, and convictions by civil authorities. 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 11-1d, prescribes illegal drug use is serious misconduct. Discharge action normally will be based upon commission of a serious offense. However, relevant facts may mitigate the nature of the offense. Therefore, a single drug offense may be combined with one or more disciplinary infractions or incidents or other misconduct and processed for discharge.

(b) Paragraph 11-8, states an under other than honorable conditions discharge is normally considered appropriate; however, a general (under honorable conditions) or an honorable discharge may be granted.

(3) Chapter 13, 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 memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

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 applicant wrongfully used marijuana between on or about 17 February 2012 and on or about 17 March 2012. On 1 June 2012, the company commander signed the notification memorandum stating the reason for separation was abuse of illegal drugs. The legal office mailed the separation packet to the applicant's last known mailing address filed with the unit on or about 5 June 2012. The applicant was given over 30 calendar days to respond to the separation packet that was marked as delivered. The chain of command recommended separation with an Under Other Than Honorable Conditions characterization of service. On 3 August 2012, the separation authority directed an Under Other Than Honorable discharge.

c. The applicant's AMHRR includes a properly constituted discharge order: Orders 12-224-00035, 11 August 2012. The orders indicate the applicant's discharge was under AR 135-178 provisions, with a characterization of service of Under Other Than Honorable Conditions.

d. The applicant contends that at the time of service that they were a young inexperienced adult and parent of premature twins. The applicant claims suffering from PTSD; however, the AMHRR is void of PTSD and the applicant did not provide any further details with the application.

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: The applicant self-asserts PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant asserts having PTSD during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined the applicant's misconduct could be secondary to PTSD. However, a review of the records was void of any BH diagnosis or treatment for the applicant during or after service. The applicant did not provide medical documentation supporting their assertion. In absence of medical documentation supporting a claim of PTSD, there is insufficient evidence to support the misconduct was related to or mitigated by PTSD and insufficient evidence to support an upgrade based on medical mitigation.

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

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends being young, inexperienced, and the parent of premature twins. The Board considered this contention and determined that the applicant's youth and immaturity did not outweigh the seriousness of the applicant's drug use, however the Board granted an upgrade considering the length of service outweighed the one-time use of drugs.

(2) The applicant contends having PTSD. The Board considered the applicant's self-asserted PTSD claim but found insufficient evidence to support that the applicant had PTSD from or at the time of service.

d. The Board determined: The Board 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 considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The medical advisor was unable to locate any proof, and the applicant failed to provide any, that would indicate a behavior health issue existed that would mitigate the Basis of Separation. The applicant does have length of service, that the Board determined outweighed a one-time use of drugs. The Board voted 3-0 in favor of the applicant and granted a full upgrade to an Honorable Discharge after using liberal consideration and concurring the BoS for a 'one time use' was overly harsh and should be corrected in favor of the applicant.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable due to the applicant's length of service outweighing their one-time use of drugs. Thus, their current characterization is inequitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

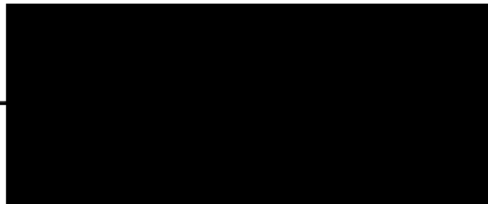
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10. BOARD ACTION DIRECTED:

- a. Issue a New Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Authority to: AR 135-178

Authenticating Official:

1/28/2026



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