

1. Applicant's Name: [REDACTED]**a. Application Date:** 4 April 2022**b. Date Received:** 13 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 an upgrade to honorable.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, to be an Iraq War veteran, deployed for 15 months to Iraq. The applicant has been diagnosed with post-traumatic stress disorder (PTSD), anxiety, depression, and insomnia because of their enlistment experience. The applicant was subjected to demeaning comments by the chain of command and singled out as a small person and made fun of constantly. The applicant was selected to carry heavy items and loads because of their size. The applicant was assigned to Germany with minimal information or knowledge of what to expect. The applicant was deployed to Iraq at the age of 18 with no deployment training because the applicant's unit was deployed prior to the applicant's arrival in Germany. While deployed, the applicant could not sleep because of the noise and the anxiety of knowing the applicant was in a war. The applicant had nightmares about the unit being bombed. The applicant wore contacts but could not because of the sandstorms and the environment. The applicant was responsible for escorting Iraq Soldiers, which terrified them because the applicant did not know if the Soldiers were true allies. Because of sleep deprivation, the applicant once fell asleep in the vehicle and was reprimanded but was denied medical attention. No one thought the applicant's voice was worthy to be heard. The applicant was told the applicant's marriage to a German was not recognized because the applicant married too close to the permanent change of station. The applicant was denied medical attention through the Army Substance Abuse Program (ASAP) because the applicant was told there was nothing wrong with the applicant. Since the discharge, the applicant has been with service-connected PTSD, anxiety, depression, and insomnia. Through the grace of God, the applicant has been able to maintain a functional civilian life. The applicant lives independently, and with the help of medication, the applicant is managing their diagnosed conditions. The applicant believes if the applicant had been properly evaluated while in service, the medical conditions would have been discovered and the applicant would not have been reprimanded. The applicant holds a high respect for the Army; however, no person who volunteers to serve the country should be subjected to some of the things the applicant was subjected to. The applicant is deserving of an honorable discharge. An upgrade would allow the applicant to use their GI Bill.

c. Board Type and Decision: In a records review conducted on 3 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable because the applicant's diagnosed in-service behavioral health conditions, including Neurosis, Depression, Adjustment Disorder, and Insomnia, outweighed the misconduct involving marijuana. 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 (Drug Abuse) / AR 635-200, Paragraph 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 27 April 2010

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 13 April 2010

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant tested positive for use of marijuana between on or about 30 December 2009 and 30 January 2010.

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

(4) Legal Consultation Date: 13 April 2010

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 19 April 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 23 August 2007 / 4 years

b. Age at Enlistment / Education / GT Score: 18 / GED / 118

c. Highest Grade Achieved / MOS / Total Service: E-3 / 88M10, Motor Transport Operator / 2 years, 7 months, 25 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany, SWA / Iraq (26 July 2008 – 16 October 2009)

f. Awards and Decorations: NDSM, GWOTSM, ICM-CS, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Three Developmental Counseling Forms document instances of the applicant failing to report, testing positive during a unit urinalysis for THC, and being recommended for separation.

(2) Company Grade Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ), 8 January 2010, indicates the applicant was found to have failed to go at the time prescribed to their appointed place of duty on 24 and 25 November 2009 and on 2 December 2009. The imposed punishment included a forfeiture of \$366 pay (suspended),

14 days of extra duty and restriction, and an oral reprimand. The applicant appealed the Article 15, contending the punishment was too harsh because the applicant had sleep issues and was under medication. (Article 15 Appeal is available for review.)

(3) Electronic Copy of Specimen Custody Document – Drug Testing, 2 March 2010, indicates the applicant tested positive for THC 61 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 30 January 2010.

(4) Field Grade Record of Proceedings under Article 15, UCMJ, 24 March 2010, indicates the applicant was found to have wrongfully used marijuana between 30 December 2009 and 30 January 2010. The imposed punishment included a reduction to E-1, forfeiture of \$723 pay, and 30 days of extra duty and restriction.

i. **Lost Time / Mode of Return:** 4 days (NIF, 26 February 2008 – 1 March 2008) / NIF

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:** Department of Veterans Affairs letter (one page), 9 October 2015, indicates the applicant was entitled to treatment for sleep disturbances. An active psychosis or mental illness was established because the evidence of record demonstrated the applicant developed the condition within the required time period. The psychosis/mental illness was first diagnosed on 21 January 2010.

(2) **AMHRR Listed:**

(a) Report of Medical Examination, 10 March 2010, reflects the examining medical physician noted in the summary of defects and diagnoses section: substance abuse, cannabis abuse.

(b) Mental Status Evaluation (MSE), 25 March 2010, 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, was mentally responsible, able to recognize right from wrong, and met medical retention requirements. There was no evidence of PTSD or TBI. The applicant was referred for a sleep study for a potential sleep disorder. The applicant was unable to attend the sleep study because of Article 15 proceedings.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; self-authored statement; and VA letter.

6. POST SERVICE ACCOMPLISHMENTS: The applicant is maintaining a functional civilian life, lives independently, and is managing the diagnosed conditions with the help of medication.

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 14-3 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.

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

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

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

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

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

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

b. The evidence shows the applicant's immediate commander initiated separation because the applicant tested positive for use of marijuana. The immediate and intermediate commanders recommended separation with a general (under honorable conditions) character of service. The separation authority approved the recommendation.

c. The applicant contends:

(1) Post-traumatic stress disorder, anxiety, depression, and insomnia affected behavior, which led to the discharge. The applicant submitted a VA letter which shows evidence the applicant was entitled to treatment for sleep disturbances, a psychosis/mental illness, diagnosed while the applicant was on active duty. The applicant's AMHRR shows the applicant was

diagnosed with substance and cannabis abuse. The applicant underwent a mental status evaluation (MSE) on 25 March 2010, which indicates the applicant was mentally responsible and was able to recognize right from wrong. There was no evidence of PTSD or TBI. The applicant was referred to a clinic for a sleep study for a potential sleep disorder; however, the record is void of the results of the sleep study. The separation authority considered the documents in the AMHRR.

(2) The applicant was harassed by members of the chain of command. However, the applicant provided no supporting evidence beyond their statement. The AMHRR includes no evidence the applicant sought assistance or reported the harassment. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

(3) Youth and immaturity influenced their behavior at the time of discharge. However, the AMHRR confirms the applicant met entrance qualification standards, including age.

(4) The applicant is maintaining a functional civilian life, living independently, and managing the diagnosed conditions with the help of medication. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character.

(5) An upgrade would provide access to educational benefits through the GI Bill. Eligibility for veterans' benefits, including Post-9/11 or Montgomery GI Bill educational assistance, does not fall under the purview of the Army Discharge Review Board. The applicant should contact a local Department of Veterans Affairs office for further assistance.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: Neurosis (Anxiety Disorder), Depression and Adjustment Disorder (subsumed by depression).

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 10 percent service connected (SC) for Neurosis (Anxiety Disorder) and was diagnosed in service with Depression.

Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant contends their misconduct was related to PTSD, Anxiety, Depression, and Insomnia. A review of the available records was void of any diagnosis or treatment history for PTSD but did contain evidence of Depression, Neurosis (Anxiety), Insomnia secondary to Neurosis, and Adjustment Disorder(s). The applicant is 10 percent SC for Neurosis and was diagnosed in service with Depression, Adjustment Disorder(s) (subsumed depression), and Insomnia (secondary to anxiety). The applicant's misconduct characterized by the wrongful use of cannabis is mitigated by Neurosis and Depression, given the nexus between the conditions and the use of substances to self-medicate. As such, upgrade based on medical based is supported.

(3) 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 diagnosed in-service behavioral health conditions, specifically Neurosis (Anxiety Disorder), Depression, Adjustment Disorder, and Insomnia, outweighed the misconduct of marijuana use.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends PTSD, anxiety, depression, and insomnia affected behavior, which led to the discharge. The Board considered this contention and determined that the applicant's documented behavioral health conditions created a mitigating nexus to the misconduct. These conditions were given liberal consideration and ultimately supported granting relief.

(2) The applicant contends being harassed by members of the chain of command. The Board considered this contention and found insufficient evidence in the official record to substantiate improper treatment by leadership. This did not alter the Board's conclusion that the applicant's behavioral health conditions mitigated the misconduct and warranted an upgrade.

(3) The applicant contends youth, and immaturity influenced their behavior at the time of discharge. The Board considered this contention and determined that the applicant's youth and immaturity did not outweigh the seriousness of the misconduct. However, the Board still granted an upgrade because the applicant's diagnosed in-service behavioral health conditions were found to mitigate the misconduct.

(4) The applicant contends maintaining a functional civilian life, living independently, and managing the diagnosed conditions with the help of medication. The Board considered this contention and acknowledged the applicant's stable post-service adjustment, though this factor alone did not drive the decision. The upgrade was instead supported by the mitigating impact of the applicant's in-service behavioral health conditions.

(5) The applicant contends an upgrade would provide access to educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare, or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

d. The Board determined the discharge is inequitable because the applicant's diagnosed in-service behavioral health conditions, including Neurosis, Depression, Adjustment Disorder, and Insomnia, outweighed the misconduct involving marijuana. 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.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220007626**

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 because the applicant's diagnosed in-service behavioral health conditions, including Neurosis, Depression, Adjustment Disorder, and Insomnia, outweighed the applicant's misconduct involving marijuana.

(3) The Board voted to change the applicant's reason for discharge 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:

2/11/2026

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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs