

1. Applicant's Name: [REDACTED]**a. Application Date:** 1 March 2022**b. Date Received:** 18 April 2022**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general (under honorable conditions). The counsel on behalf of the applicant requests an upgrade to honorable, a separation code change, a reentry code change, and a narrative reason change.

b. Applicant Contention(s)/Issue(s): The applicant seeks relief, contending, in effect, the discharge was unjust and remains inequitable because of procedural and substantive defects. The basis for relief is connected to behavioral health conditions, which were not properly considered at the time of separation. Despite consistent efforts to obtain justice, the applicant has yet to receive a fair review in light of these mitigating mental health factors.

c. Board Type and Decision: In a records review conducted on 15 December 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's Anxiety Disorder NOS and depressive symptoms, which mitigated the basis of separation of drug rehabilitation failure. 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, Chapter 15, with a narrative reason for separation of Secretarial Authority, a corresponding separation code of JFF. The Board determined the RE code was 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: Drug Rehabilitation Failure / AR 635-200, Chapter 9 / JPC / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 16 November 2009

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 29 September 2009

(2) Basis for Separation: The applicant was informed of the following reasons: On 1 September 2009, the applicant was declared an Army Substance Abuse Program (ASAP) drug rehabilitation failure.

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

(4) Legal Consultation Date: On 29 September 2009, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: Undated / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 17 September 2008 / 3 years

b. Age at Enlistment / Education / GT Score: 19 / High School Graduate / 135

c. Highest Grade Achieved / MOS / Total Service: E-2 / 14T10, Patriot Operator / Maintainer / 1 year, 2 months

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) Military Police Report, 15 January 2009, reflects the applicant attempted suicide by ingesting an unknown amount of Triazocam and pointed a knife at others. Authorities apprehended the applicant for the offenses of simple assault on a military or civilian law enforcer, failure to obey regulation (AR 190-1), and assault with serious bodily injury. Authorities transported the applicant to the hospital, where medical staff administered overdose treatment. Without this treatment, the injuries would have posed a serious threat.

(2) Daily Staff Journal or Duty Officer's Log, 29 April 2009, reflects an anonymous caller reported the applicant was smoking marijuana behind a strip club in town.

(3) Nine Developmental Counseling Forms for failing to obey and order or regulation on multiple occasions, having a knife exceeding the maximum blade length allowed in the barracks, informing the applicant on the negative effects of suicide and how to get help, and discussing accusations and admittance of the applicant's controlled substance use.

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) Headquarters United States Army Medical Department Activity (MEDDAC), Fort Sill, subject [the applicant], memorandum, 1 September 2009, reflects on 11 May 2009 the applicant abused cannabis, alcohol, and prescription drugs. The hospital program was completed, and discharge followed. The command reported to the Army Substance Abuse Program (ASAP) the applicant was admitted to Reynolds Army Hospital on 31 August 2009 for

a medication overdose. The applicant was considered a rehabilitation failure due to intentional prescription medication abuse. A diagnosis of cannabis abuse was made. The clinical director noted resistance to change and failure to accept responsibility resulted in unsatisfactory participation in rehabilitation treatment. Numerous opportunities to obtain help were provided. The lack of motivation and continued behavior indicated a failure to commit to treatment.

(b) The applicant provided instructions for Triazolam, undated, used for treating insomnia.

(2) AMHRR provided:

(a) MEDDAC memorandum as described in previous paragraph 4j(1) (a).

(b) Report of Medical History, 4 September 2009, reflects the applicant reported insomnia, depression, anxiety, substance abuse, and anger issues. An Armed Forces Health Longitudinal Technology Application (AHLTA) review revealed the applicant was treated by the ASAP for cannabis dependence and anxiety and hospitalization for an overdose. Details could not be recalled, but the incident was believed to be a probable suicide attempt.

(c) Report of Medical Examination, 4 September 2009, reflects in the summary of defects and diagnoses section: Anxiety disorder, polysubstance abuse, suicidal gestures, and nicotine dependence.

5. Applicant-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; Army Board for Correction of Military Record denial letter; Case Report Directive AR20140010194; self-authored letter; ACTs Online application; Case Report Directive AR20100019551; ASAP memorandum; Yahoo email; Commander's Report; Orders 015-191; AT Level 1 certification; four Developmental Counseling Forms; Report to Suspend Favorable Personnel Actions form; Enlisted Record Brief; two Congress of the United States letters; 12 third-party letters; security and basic firearms identification; United States District Court complaint for civil case.

6. POST SERVICE ACCOMPLISHMENTS: The applicant maintained employment; obtained various certifications; and assisted with flood recovery and demolition efforts at Opry Mills Mall following the 2010 Nashville flood.

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 600-85 (The Army Substance Abuse Program) Headquarters Department defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected

evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes information concerning drug or alcohol abuse or possession of drugs incidental to personal use, including the results of a drug or alcohol test, collected as a result of a Soldier's emergency medical care solely for an actual or possible alcohol or other drug overdose.

g. 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:

(1) 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.

(2) 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.

(3) 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.

h. Army Regulation 635-200 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. It states:

(a) 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) 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 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse. A member who has been referred to the Army Substance Abuse Program (ASAP) for alcohol or drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program if there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical.

(3) Paragraph 9-4 stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. An honorable discharge is

mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

(4) 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: RE-1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

i. 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 "JPC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, for drug rehabilitation failure.

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 separation code change, a reentry code change, and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The evidence of the Army Military Human Resource Record (AMHRR) indicates on 1 September 2009, the unit commander, in consultation with the Clinical Director/Army Substance Abuse Program (ASAP), declared the applicant a rehabilitation failure. The applicant did not have the potential for continued military service because the need for medication management and length of treatment exceeded what was available in the Active Duty Army.

c. The applicant's separation packet includes a MEDDAC memorandum, 1 September 2009, reflecting the applicant was admitted to the hospital because of an overdose of medication and the applicant was declared a rehabilitation failure because of the intentional abuse of prescription medication. The government introduced these documents into the discharge process, revealing the applicant received emergency medical care solely for an actual or possible alcohol or other drug overdose. The information is limited use information defined in AR 600-85. Use of this information mandates an award of an honorable discharge.

d. The applicant contends behavioral health conditions led to the discharge and asserts the discharge was procedurally and substantively improper. The applicant's provided a third-party letters from family members describing changes in the applicant's behavior while in service to support this contention. The applicant also submitted a MEDDAC memorandum showing the applicant was admitted for a medication overdose and later declared a rehabilitation failure due to intentional prescription medication abuse. The applicant's AMHRR shows a provider conducted a medical examination on 4 September 2009 and noted anxiety, polysubstance

abuse, and suicidal gestures in the summary of defects and diagnoses section. The applicant's AMHRR also included prior mentioned MEDDAC memorandum. The separation authority considered the documents in the AMHRR.

e. The applicant, through third party statements, contends harassment by members of the unit. The applicant did not submit evidence other than the third party statements to support the contention. There is no evidence in the AMHRR the applicant sought assistance or reported the harassment. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

f. The applicant contends the narrative reason for the discharge should be changed. The applicant was separated under Chapter 9, AR 635-200 provisions with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "drug rehabilitation failure," and the separation code is "JPC." Army Regulation 635-8 (Separation Processing and Documents) governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28, and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for entry of any other reason under this regulation.

g. The applicant contends the SPD code should be changed. 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 9, Drug Rehabilitation Failure is "JPC."

h. The applicant contends the reentry code should be changed. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment.

i. The applicant contends maintaining employment; obtaining various certifications; and assisting with flood recovery and demolition efforts at Opry Mills Mall following the 2010 Nashville flood. 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.

j. The applicant contends not receiving a fair review from The Army Board for Correction of Military Records and the federal courts in light of mitigating mental health factors. The applicant received a 'de novo' review as part of the Kennedy v. McCarthy Stipulation and Agreement of Settlement, certified on 26 April 2021, wherein the board applied the Department of Defense guidance regarding liberal consideration of possible mitigating factors, such as PTSD, TBI, and other related mental health conditions.

k. Several third-party statements provided with the application speak highly of the applicant. They recognize the applicant's potential for good military service if given the opportunity.

9. DOCUMENTS / TESTIMONY PRESENTED DURING PERSONAL APPEARANCE: In addition to the evidence in the record, the Board carefully considered the additional document(s) and testimony presented by the applicant at the personal appearance hearing.

a. Counsel / Witness(es) / Observer(s): [REDACTED]

10. 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: Anxiety Disorder Not Otherwise Specified (NOS), Depression.

(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 Anxiety Disorder NOS, and there is evidence that he was experiencing depressive symptoms 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 mitigating BH conditions. The applicant was diagnosed in service with Anxiety Disorder NOS, and there is evidence that the applicant was experiencing depressive symptoms in service. There is a nexus with Anxiety, Depression, and self-medicating with substances. In addition, the medical record reveals that the intentional abuse of prescription medication that constituted the rehab failure occurred during a suicide attempt. As such, there is clear evidence that the applicant's Anxiety Disorder NOS and depressive symptoms directly contributed to the drug rehabilitation failure. Therefore, the applicant's basis of separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the applicant's Anxiety Disorder NOS and depressive symptoms outweighed the basis of separation of drug rehabilitation failure.

b. Prior Decisions Cited: AR20140010194; AR20100019551.

c. Response to Contention(s):

(1) The applicant contends that their behavioral health conditions were not properly considered at the time of separation and that they experienced harassment from unit members, as supported by multiple third-party statements. The applicant further asserts that, despite these challenges, they maintained employment, earned various certifications, and contributed to community recovery efforts following the 2010 Nashville flood. They argue that their case did not receive a fair review in light of mitigating mental health factors, and additional third-party statements included with the application attest to their character and work ethic. The Board

considered this contention and acknowledged the applicant's claims regarding their behavioral health conditions and experiences of harassment from unit members. Ultimately, the Board voted to grant an upgrade, considering the medical review which identified mitigating factors related to the applicant's mental health that contributed to the basis of separation.

d. The Board determined the discharge is inequitable based on the applicant's Anxiety Disorder NOS and depressive symptoms, which mitigated the basis of separation of drug rehabilitation failure. 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, Chapter 15, with a narrative reason for separation of Secretarial Authority, a corresponding separation code of JFF. The Board determined the RE code was proper and equitable and voted not to change it.

e. Rationale for Decision:

(2) 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.

(3) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Anxiety Disorder NOS and depressive symptoms outweighed the basis of separation of drug rehabilitation failure. Thus, the prior characterization is no longer appropriate.

(4) The Board voted to change the applicant's reason for discharge to Secretarial Authority (SA) with a corresponding SPD code of JFF, as the prior reason for discharge was found to be inequitable based on the evidence presented.

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

11. BOARD ACTION DIRECTED:

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

Authenticating Official:

3/4/2026

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