

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 20 May 2022
- b. **Date Received:** 24 May 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 and a narrative reason change.

b. **Applicant Contention(s)/Issue(s):** The applicant seeks relief, contending, in effect, after returning from a second deployment to Iraq, the applicant was reassigned to a new unit with no established support, causing the symptoms of post-traumatic stress disorder (PTSD) to become worse. The applicant's disrupted medical care from the Army Substance Abuse Program (ASAP) and delays in accessing treatment led to the applicant self-medicating to cope with anxiety, depression, and insomnia. Despite the applicant's record of outstanding service and multiple medals, the unit pursued separation instead of providing needed support. The applicant claims to have been diagnosed with adjustment disorder with disturbance of emotions, adjustment disorder, post traumatic insomnia, adjustment disorder with anxiety, depression with anxiety, and anxiety disorder, not otherwise specified (NOS). The Department of Veterans Affairs (VA) determined the applicant suffers from severe PTSD and rated the applicant 90 percent service-connected disabled for PTSD, sleep apnea, and other medical conditions. The applicant further details the contentions in the application.

c. **Board Type and Decision:** In a records review conducted on 13 August 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's illegal substance abuse offenses. 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, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. **Date of Discharge:** 7 December 2009

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 16 November 2009

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant committed misconduct by abusing illegal drugs.

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

(4) **Legal Consultation Date:** 17 November 2009

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

(6) **Separation Decision Date / Characterization:** 18 November 2009 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 22 November 2006 / 6 years

b. **Age at Enlistment / Education / GT Score:** 20 / GED / 98

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 13D10, Field Artillery Automation / 4 years, 5 months, 17 days

d. **Prior Service / Characterizations:** RA, 21 June 2005 – 21 November 2006 / HD

e. **Overseas Service / Combat Service:** SWA / Iraq (5 December 2005 – 28 November 2006; 27 November 2007 – 4 February 2009)

f. **Awards and Decorations:** ICM-2CS, ARCOM-2, AGCM, NDSM, GWOTSM, ASR, OSR-2, CAB

g. **Performance Ratings:** NA

#### h. **Disciplinary Action(s) / Evidentiary Record:**

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 15 September 2009, reflects the applicant tested positive for COC 138 (cocaine) during an Inspection Unit (IU) urinalysis testing conducted on 9 September 2009.

(2) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 26 October 2009, for wrongfully using cocaine (between 7 and 9 September 2009). The punishment consisted of a reduction to E-3, forfeiture of \$929 pay (suspended), and extra duty and restriction for 45 days.

(3) Developmental Counseling Form, 31 October 2009, for failing to report to extra duty on time.

(4) Record of Supplementary Action Under Article 15, 5 November 2009, reflects the suspended portion of the punishment imposed on 26 October 2009, was vacated because the applicant on or about 31 October 2009, without authority failed to go at the time prescribed to extra duty.

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) Chronological Record of Medical Care Health Record, 15 November 2009, reflects the applicant visited the emergency room. The applicant's record listed various medical problems, including acute stress disorder, adjustment disorder with disturbance of emotions, post-traumatic insomnia, alcohol disorders, attention deficit hyperactivity disorder (combined type), adjustment disorder with anxiety, and depression.

(b) VA Benefits Summary letter, 3 May 2022, reflects the applicant was awarded a 90 percent service-connected disability rating.

(c) The Department of Defense E-Benefits printout, undated, reflects the applicant received 90 percent combined service-connected disability for various medical conditions, including 70 percent for post-traumatic stress disorder and 30 percent for obstructive sleep apnea. The VA determined attention deficit disorder was not service connected.

(2) **AMHRR provided:** Report of Mental Status Evaluation, 21 October 2009, reflects the applicant could understand and participate in administrative proceedings and met medical retention requirements. The applicant had been screened for PTSD and mild traumatic brain injury (mTBI), and the screen indicated a negative result for TBI and the PTSD screen was unremarkable.

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; VA Benefits Summary letter; DOD e-Benefits printout; Chronological Record of Medical Care; Army Review Board Agency letter.

**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), dated 25 September 2019, 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 waivable. Eligibility: Ineligible unless a waiver is granted.

RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 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 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 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. Paragraph 14-2c(2), prescribes 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.

**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 14-12c, 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 of the Army Military Human Resource Record (AMHRR) indicates the applicant's immediate commander recommended the applicant for separation because of misconduct by abusing illegal drugs.

c. The applicant contends PTSD symptoms became worse because of disrupted medical care and delays in accessing treatment, leading to the discharge; the applicant was diagnosed with various mental health conditions; and the VA rated the applicant 90 percent service-connected disabled for PTSD, sleep apnea, and other medical conditions. The applicant provided several medical documents supporting the applicant's contention of mental health diagnoses. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 21 October 2009, indicating the applicant was mentally responsible and recognized right from wrong. The applicant was screened for PTSD, but the results were unremarkable. The MSE does not indicate any diagnosis. The separation authority considered the MSE.

d. The applicant contends youth, and immaturity affected the applicant's behavior at the time of the discharge. The AMHRR shows the applicant met entrance qualification standards, including age.

e. The applicant contends the unit did not provide any support regarding mental health conditions. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

f. The applicant contends an outstanding service record, including two combat tours. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

g. The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under Chapter 14, paragraph 14-12c(2), 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 "Misconduct (Drug Abuse)," and the separation code is "JKK." 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.

## 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 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: Adjustment Disorder, Anxiety, Depression, PTSD.

(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, Anxiety, and Depression and is service connected by the VA for PTSD.

(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 an Adjustment Disorder, Anxiety, and Depression and is service connected by the VA for PTSD. Given the nexus between Depression, Anxiety, PTSD, and using substances for self-medication, the abuse of illegal drugs that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighed the applicant's illegal substance abuse.

**b. Response to Contention(s):**

(1) The applicant contends PTSD symptoms became worse because of disrupted medical care and delays in accessing treatment, leading to the discharge; the applicant was diagnosed with various mental health conditions; and the VA rated the applicant 90 percent service-connected disabled for PTSD, sleep apnea, and other medical conditions. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighed the applicant's illegal substance abuse.

(2) The applicant contends an outstanding service record. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's illegal substance abuse offenses.

(3) The applicant contends youth, and immaturity affected the applicant's behavior at the time of the discharge. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's illegal substance abuse offenses.

(4) The applicant contends the unit did not provide any support regarding mental health conditions. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's illegal substance abuse offenses.

(5) The applicant contends the narrative reason for the discharge should be changed. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's illegal substance abuse offenses.

**c.** The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's illegal substance abuse offenses. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

**d. 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

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

**AR20220007765**

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 Post Traumatic Stress Disorder, Anxiety, and Depression outweighed the applicant's illegal substance abuse. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

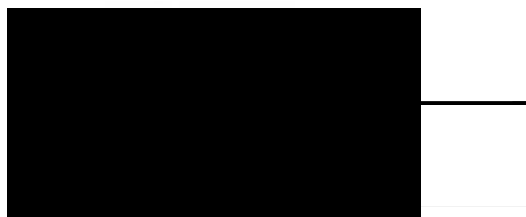
(4) The RE code will not change based on the applicant's service-connected behavioral health conditions the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** 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:**

8/25/2025



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