

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

- a. **Application Date:** 2 June 2022
- b. **Date Received:** 9 September 2022
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable and a change of their narrative reason for separation.

(2) The applicant seeks relief contending their discharge was wrongful, there was no propriety or equity in their discharge, it was unjust, lacked fairness, there was no justice, and their discharge was in error. They were discharged for drug abuse under violation of Article 112a (Wrongful use, possession, etc., of controlled substances), Uniform Code of Military Justice (UCMJ); however, the drug in question was their prescription medication. They did not commit misconduct; they innocently ingested their medication under the belief they still had a valid prescription. They did not know there was a time limit that made taking medication illegitimate. Their discharge was in error, military authorities were not following their own rules, and they were a victim of retaliation which was a bias in their separation.

**b. Board Type and Decision:** In a records review conducted on 23 July 2025, and by a 5-0 vote, the Board determined the discharge was improper, concluding the applicant did not intentionally misuse Adderall. The applicant's sporadic use was attributed to an ongoing effort to manage ADHD symptoms after the Primary Care Manager (PCM) declined to provide a prescription. Recognizing the lack of intentional misconduct, the Board voted to grant relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, Chapter 15, and the narrative reason to "Secretarial Authority" with a corresponding separation code to JFF. The Board voted to change the reenlistment eligibility code from RE-4 to RE-3.

*(Please refer to Section 9 for the Board Discussion and Determination).*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Misconduct (Drug Abuse) / Army Regulations 635-200 / JKK / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 23 March 2022

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 15 February 2022

**(2) Basis for Separation:** wrongfully used amphetamine, a Schedule II Controlled Substance, between on or about 24 May 2021 and on or about 27 May 2021

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

**(4) Legal Consultation Date:** 22 February 2022

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

**(6) Separation Decision Date / Characterization:** 1 March 2022 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 20 June 2019 / 4 years

**b. Age at Enlistment / Education / GT Score:** 22 / Baccalaureate Degree / 99

**c. Highest Grade Achieved / MOS / Total Service:** E-5 / 92A1O, Automated Logistical Specialist / 5 years, 10 months, 28 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** None

**f. Awards and Decorations:** AAM, AGCM, NDSM, GWTSM, NCOPDR, ASR

**g. Performance Ratings:** NA

- 1 October 2019 – 30 March 2020 / Highly Qualified
- 31 March 2020 – 30 March 2021 / Qualified
- 31 March 2021 – 6 December 2021 / Qualified
- 7 December 2021 – 15 March 2022 / Not Qualified

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

**(1)** A DA Form 2671 (Record of Proceedings under Article 15, UCMJ) dated 13 August 2021 reflects the applicant received nonjudicial punishment for, in that they, did at or near Columbia, SC, on or about 24 June 2021, without authority, failed to go at the time prescribed to their appointed place of duty, in violation of Article 86, UCMJ; and, violated a lawful general order, which was their duty to obey, by wrongfully traveling outside the 150-mile radius, in violation of Article 92, UCMJ. The applicant's punishment consisted of forfeiture of \$694.00 pay, extra duty and restriction for seven days, and an oral reprimand. The applicant elected to appeal. On 24 August 2021 the reviewing judge advocate stated the proceedings were conducted in accordance with law and regulation and the punishments imposed were not unjust nor disproportionate to the offense committed. On 24 August 2021, the applicant's brigade commander, after consideration of all matter presented in the appeal, denied the applicant's appeal.

**(2)** A DA Form 2671 (Record of Proceedings under Article 15, UCMJ) dated 5 October 2021 reflects the applicant received nonjudicial punishment for, in that they, did, at or near Fort Stewart, GA, between on or about 24 May 2021 and on or about 27 May 2021, wrongfully use Amphetamine, a Schedule II Controlled Substance, in violation of Article 112a, UCMJ. The applicant's punishment consisted of a reduction in rank/grade from sergeant/E-5 to specialist/E-4, forfeiture of \$1,356.00 pay for two months, suspended, to be automatically remitted if not vacated on or before 5 April 2022 and extra duty and restriction for 45 days. The applicant elected to appeal. On 15 October 2021 the reviewing judge advocate stated the proceedings were conducted in accordance with law and regulation and the punishments

imposed were not unjust nor disproportionate to the offense committed. On 15 October 2021, the applicant's brigade commander, after consideration of all matter presented in the appeal, granted the following, by commenting, found guilty but all previous punishment are suspended for 180 days, filing of the Article 15 will go into restricted file [AMHRR].

**(3)** A DA Form 3822 (Report of Mental Status Evaluation) dated 22 December 2021, reflects the applicant has no duty limitations due to behavioral health reasons and currently meets behavioral health medical retention standards.

**(a)** Section III (Pertinent Findings on Mental Status Evaluation) reflects the applicant's screening for Post Traumatic Stress Disorder (PTSD), Depression, Traumatic Brain Injury (TBI) and Substance Misuse were negative and require no further evaluation.

**(b)** Section IV (Diagnoses) reflects "Deferred Diagnoses." The behavioral health provider comments the applicant does not currently have a behavioral health condition that causes them to fail medical retention standards. Their medical records do not contain substantial evidence that the applicant currently meet criteria for a behavioral health condition requiring referral to Integrated Disability Evaluation System (IDES) but has not yet received a diagnosis.

**(c)** Further Comments, the behavioral health provider states there is no psychiatric disease or defect that warrants disposition through medical channels. There are no psychiatric symptoms sufficient to require hospitalization, necessitate limitations of duty, or interfere with effective military service.

**(4)** A DD Form 2808 (Report of Medical Evaluation) dated 24 January 2022 reflects the examining physician marked "Normal" for all items examined, except for item 38 (Skin, lymphatics) and the applicant is qualified for service.

**(5)** A memorandum, 90th Human Resources Company, Division Sustainment Troops Battalion, 3rd Infantry Division Sustainment Brigade, subject: Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct Drug Abuse, (Applicant), undated, reflects the applicant received notification of the initiation of separation action against them from their company commander for Misconduct – Abuse of Illegal Drugs. The reason for the proposed separation action is described above in paragraph 3c (2). The company commander recommended the applicant receive a General (Under Honorable Conditions) discharge. On 15 February 2022, the applicant acknowledged receipt of their notification of separation and of the rights available to them.

**(6)** In the applicant's memorandum, subject: Election of Rights Regarding Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs, [Applicant], dated 22 February 2022, the applicant acknowledged they have been advised their consulting counsel of the basis for the contemplated action to separate them under Army Regulation 636-200, paragraph 14-12c(2), and its effects, of the rights available to them; and the effect of any action taken by them in waiving their rights. They understand they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) discharge is issued to them. They further understand that as the result of issuance of a discharge that is less than honorable, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They requested consulting counsel and elected to submit statements in their own behalf. In their own personal statement, they apologize for their actions. During the time frame, they ingested their expired medication and did not realize they were committing any misconduct. They understand this is not an excuse for committing misconduct, but it was an honest mistake.

**(7)** A memorandum, Trial Defense Service, Region Southeast, subject: Legal Memorandum Concerning Separation under Army Regulation 635-200, Paragraph 14-12(c), Misconduct-Abuse of Illegal Drugs, (Applicant), dated 23 February 2022, reflects the applicant's request for retention for continued service in the U.S. Army. The applicant's defense counsel states –

- the applicant suffers from Attention-Deficit/Hyperactivity Disorder (ADHD), a condition for which they received a medical waiver to enlist
- throughout their entire Army career, they have, for different periods of time, been prescribed prescription drugs to treat their ADHD
- on 5 October 2021, they received nonjudicial punishment for misusing their own prescribed ADHD medication more than six months since their last refill, it should be noted the punishment for this Article 15 was suspended
- it should be noted, a subsequent U.S. Army Criminal Investigation Division (CID) investigation noted the applicant did possess a prescription for amphetamine / dextroamphetamines, which had last been filled in late April 2020, but had expired [Note: the CID investigation is not in evidence for review]
- Army Directive 2021-21(Use of Prescribed Controlled Medication) was issued one week before the applicant's positive urinalysis
- to summarize, the applicant if facing separation for ingesting prescription ADHD medication, which was properly prescribed to them by an authorized provider
- to the best of their understanding, they were authorized to take their own prescribed medication at the time, a medication they presently lawfully take
- the applicant requests to treat the alleged misconduct as an honest mistake, and elect to retain them for continued service and to consider their general good character, prior service record and achievements attached thereto

**(8)** A memorandum, 90th Human Resources Company, Division Sustainment Troops Battalion, 3rd Infantry Division Sustainment Brigade, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct-Abuse of Illegal Drugs, [Applicant], undated, reflects the company commander's recommendation to separate the applicant from the U.S. Army prior to the expiration of their current term of service. The company commander states they do not consider it feasible or appropriate to accomplish other disposition as the applicant has shown conduct that is against the Army values and standard.

**(9)** A memorandum, Headquarters, Division Sustainment Troops Battalion, subject: Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct-Abuse of Illegal Drugs, [Applicant], undated, reflects the battalion commander's recommendation to separate the applicant from the U.S. Army prior to the expiration of their current term of service. The commander recommended the applicant's service be characterized as General (Under Honorable Conditions) and states the separation does not involve a medical condition that is related to the sexual assault, to include Post Traumatic Stress Disorder (PTSD). The separation is in best interest of the Army.

**(10)** A memorandum, Headquarters, 3rd Infantry Division Sustainment Brigade, 3rd Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c (2), Misconduct-Abuse of Illegal Drugs, [Applicant], dated 1 March 2022, reflects the separation authority reviewed the separation packet of the applicant and directed the applicant be separated from the Army prior to the expiration of their current term of service. The commander directed the applicant's service be characterized as General (Under Honorable Conditions). The commander determined the rehabilitative requirements of Army Regulation 635-200, paragraph 1-16 are waived, as the transfer will serve no useful purpose or produce a quality Soldier. The commander states the separation does not involve a medical condition that is

related to the sexual assault, to include Post Traumatic Stress Disorder (PTSD). The separation is in best interest of the Army.

**(11)** A DA Form 2166-9-1 (NCO Evaluation Report) covering the period 7 December 2021 through 15 March 2022, reflects in –

- Part I(c) (Rank) – Specialist
- Part I(d) (Date of Rank) – 15 March 2022
- Part i(i) (Reason for Submission) – Relief for Cause
- Part IV(c) (Character) – “DID NOT MEET STANDARD,” did not adhere to the Army values during this rating period; received UCMJ for lack of discipline and positive [Urinalysis] UA
- Part IV(d) (Presence) – “DID NOT MEET STANDARD,” left supply cage unsecure multiple occasions during this rating period, jeopardizing the command supply discipline and trust in our supply system
- Part IV(f) (Leads) – “DID NOT MEET STANDARD,” was reduced during this rating period due to violation of Army regulations and lost trust within the chain of command through daily performance
- Part IV(h) (Achieves) – “DID NOT MEET STANDARD,” did not keep proper record keeping of supply documents from previous change of commands
- Rater Overall Performance – displayed poor judgement for continued service during this rating period, prioritized things not in line with the Commander’s intent and left supplies unsecure
- Part V (Senior Rater – Overall Potential) – NOT QUALIFIED with comments –
  - Rated NCO unavailable for signature
  - Directed relief for case due to a positive UA and dereliction of supply duties
  - [Applicant] needs to take personal initiative to bring [themselves] to the competency level of [Applicant’s] current rank
  - [Applicant] should not be sent to any military school until [Applicant] has addressed [Applicant’s] shortcomings
  - Unless [Applicant] takes steps to improve, [Applicant] should be allowed to [Expiration Term of Service] ETS without effort to retain

**(12)** A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 23 March 2022, with 5 years, 10 months, and 28 days of net active service this period. The DD Form 214 show in –

- item 13 (Remarks) – in part, MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKK
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – Misconduct (Drug Abuse)

**i. Lost Time / Mode of Return:** NA

**j. Behavioral Health Condition(s):**

**(1) Applicant provided:** Service Treatment Record reflecting Diagnosis History, to include a diagnosis of Attention-deficit hyperactivity disorder with encounter date of 27 June 2017 through 11 March 2022.

(2) AMHRR Listed: None

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- excerpts of AMHRR documents
- excerpts of Service Treatment Record
- Army Directive 2021-21 (Use of Prescribed Controlled Medications)
- Audio Transcript
- Petition to Discharge Review Board
- Patient Portal, TRICARE Online documents
- Article 112a, UCMJ reference

**6. POST SERVICE ACCOMPLISHMENTS:** None submitted with application.

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 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 (DoD) 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 19 December 2016, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) 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.

(2) 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.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Paragraph 1-16 (Counseling and Rehabilitative Requirements) stated Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. The rehabilitative transfer requirements in chapter 14 may be waived by the separation authority in circumstances where common sense and sound judgment indicate that such transfer will serve no useful purpose or produce a quality, Soldier.

(5) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. Paragraph 14-12c (2) (Abuse of Illegal Drugs is Serious Misconduct), stated, however; 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. 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.

(6) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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.

e. 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, paragraph 12c (2), misconduct (drug abuse).

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 DoD Instructions 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.

g. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander



should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement. Soldiers are prohibited from using the following substances for the purpose of inducing excitement, intoxication, or stupefaction of the central nervous system, to include any prescription drug without a current prescription written specifically for the Soldier.

**h.** Manual for Courts-Martial, United States (2019 Edition) stated, military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 112a (Wrongful Use, Possession, etc., of Controlled Substances).

**i.** Army Directive 2021-21 (Use of Prescribed Controlled Medications) date 18 May 2021, states the purpose of the directive is to limit prescription drug abuse, clarifies that the use of a prescription controlled substance will be considered illegitimate if six months past the most recent date of filling, as indicated on the prescription label, and may subject offenders to adverse disciplinary action.

## **8. SUMMARY OF FACT(S):**

**a.** The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

**b.** A review of the available evidence provides the applicant received nonjudicial punishment under the provisions of Article 15, UCMJ for wrongfully use Amphetamine, a Schedule II Controlled Substance, in violation of Article 112a, UCMJ and was involuntary separation from the Army. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12c (2), by reason of Misconduct (Drug Abuse), with a characterization of service of general (under honorable conditions). The applicant completed 5 years, 10 months, and 28 days of net active service this period and completed their first full term of service; however, they did not complete their 4-year reenlistment obligation.

**c.** Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is 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. Characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate. An honorable characterization of service is generally required when the Government initially introduces limited-use evidence.

**d.** Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

**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 does not have a potentially mitigating BH condition. Applicant has been diagnosed with ADHD which existed prior to service.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found applicant was diagnosed and treated for ADHD while in 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 are no mitigating BH conditions. While on active duty, the applicant was diagnosed with ADHD. Review of medical records provides clear documentation that this condition existed prior to service. As such, it does not fall under the purview of liberal consideration. This conclusion notwithstanding, it is the opinion of the BH Advisor that the applicant did not intentionally abuse his Adderall. Record review indicates that, while he kept telling his PCM he had ADHD and needed a prescription for Adderall, his PCM kept refusing to write him a script for Adderall which more likely than not contributed to him having to take his Adderall sparingly in order to make it last. The proper course of action the PCM should have taken would have been to refer him for neuropsychological testing to confirm the diagnosis of ADHD.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, that the applicant did not intentionally abuse Adderall. The Board determined the discharge was improper because the PCM should have referred the applicant for neuropsychological testing to confirm the diagnosis of ADHD. Therefore, the use of Adderall was not intentional and was no fault of the applicant.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends their discharge was wrongful, there was no propriety or equity in their discharge, it was unjust, lacked fairness, there was no justice, and their discharge was in error. They were discharged for drug abuse under violation of Article 112a, UCMJ; however, the drug in question was their prescription medication. The Board acknowledged the applicant's contention during its proceedings.

(2) The applicant contends they did not commit misconduct; they innocently ingested their medication under the belief they still had a valid prescription. The Board acknowledged the applicant's contention and found it valid.

(3) The applicant contends their discharge was in error, military authorities were not following their own rules, and they were a victim of retaliation which was a bias in their separation. The Board acknowledged the applicant's contention during its proceedings, and the Board concurs that the applicant did not intentionally abuse his Adderall. Record review indicates that, while he kept telling his PCM he had ADHD and needed a prescription for Adderall, his PCM

kept refusing to write him a script for Adderall which more likely than not contributed to him having to take his Adderall sparingly in order to make it last.

**d.** The Board determined the discharge was improper and determined the applicant did not intentionally misuse Adderall. The applicant's limited use of the medication was a result of the Primary Care Manager's (PCM) refusal to prescribe it, despite the applicant's ongoing efforts to manage ADHD symptoms. In light of these findings, the Board voted to grant relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, Chapter 15, the narrative reason to "Secretarial Authority" with a separation code of JFF. The Board voted to change the RE code to RE-3.

**e. Rationale for Decision:**

**(1)** The Board applied liberal consideration and voted to change the applicant's characterization of service to Honorable. The applicant's PCM should have referred the applicant for neuropsychological testing to confirm the diagnosis of ADHD, and the applicant would have received a medical prescription for Adderall. The PCM's refusal to write the applicant a prescription for Adderall contributed to the applicant sparingly taking Adderall to cope with ADHD. Therefore, the prior characterization is no longer appropriate.

**(2)** The Board voted to change the reason for discharge to Secretarial Authority under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

**(3)** The RE code will change to RE-3.

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD code to: Secretarial Authority / JFF**
- d. Change RE Code to: RE-3**
- e. Change Authority to: AR 635-200, Chapter 15**

**Authenticating Official:**

7/24/2025



**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

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