

1. Applicant's Name: [REDACTED]

a. **Application Date:** 18 June 2022

b. **Date Received:** 30 June 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, the current characterization is inequitable because the applicant's record reflects a single positive test for LSD despite no prior history of substance issues throughout the applicant's career. The applicant reports completing SUDCC for an unrelated DWI, during which the counselor noted no indicators of substance-abuse problems. The applicant states the Article 15 and subsequent separation were based solely on one contested result, with no opportunity for confirmatory testing despite a clean test the day prior. The applicant further explains that mental-health strain, an ongoing legal matter, and proximity to ETS influenced the decision to decline a court-martial. The applicant asserts the discharge does not reflect overall performance, duty history, or character, and requests an upgrade to receive full benefits and ensure the record accurately represents the applicant's service.

c. **Board Type and Decision:** In a records review conducted on 18 March 2026, and by a 3-0 vote, the Board denied the request upon finding the separation was both proper and equitable. 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:** 16 June 2022

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 3 June 2022

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant wrongfully used Lysergic Acid Diethylamide (LSD). Additionally, on 3 January 2022, the applicant was charged by civilian law enforcement for Driving while Intoxicated, as well as Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree.

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

(4) **Legal Consultation Date:** On 3 June 2022, the applicant waived legal counsel.

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

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

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 26 February 2019 / 3 years, 16 weeks

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 94

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 3 years, 3 months, 21 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (13 March 2020 – 10 April 2020)

f. Awards and Decorations: AAM-C, AGCM, NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Department of Motor Vehicle Uniform Traffic Ticket, 3 January 2022, reflects the applicant was cited for driving while intoxicated (misd), aggravated unlic, and driving with .08 percent or more of alcohol.

(2) Arrest Report, reflect the applicant gave a breath sample of .12 percent.

(3) Department of the Army memorandum subject: General Officer Memorandum, of Reprimand, 28 February 2022, reflects the applicant was reprimanded for driving under the influence of alcohol.

(4) Department of the Army memorandum, subject: Law Enforcement Report Final, 18 April 2022, reflects the local police responded to an altercation and located a vehicle parked on the roadway with the applicant identified as the operator. Officers detected the odor of alcohol on the applicant's breath and administered Standardized Field Sobriety Tests, which the applicant failed. After being advised of Implied Consent Rights, the applicant submitted to a Breathalyzer test that registered a 0.14% SAC. A records check showed the applicant's state driving privileges were suspended for failure to pay a Driver Responsibility Assessment Fee. The applicant was issued an on-post driving suspension letter by a commissioned officer and released to a unit representative on a DD Form 2708 at 0455. The vehicle was towed, and the applicant's last known drinking location was not identified. The applicant is scheduled to appear in local court on the specified date and had not deployed within the previous year. It also reports no drugs or alcohol were involved.

(5) Positive Urinalysis Notification, 27 April 2022, reflects the applicant tested positive for LSD on an Inspection Random (IR) test collected on 17 February 2022 and reported on 25 April 2022.

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: None

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 9 May 2022 , 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, appreciated the difference between right and wrong, and met medical retention requirements. PTSD and mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider their influence.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge.

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

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. 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), paragraph 10-12a 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: The results of a drug or alcohol test administered solely as a required part of a DoD or Army SUD treatment program. Due to ongoing drug use and DUI, the evidence outside of any potential impropriety does not demonstrate any required relief.

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:

- RE-1 Applies to: Person completing their 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.

h. 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 3-8a states a Soldier is entitled to an honorable characterization of service if limited-use evidence (see AR 600-85) is initially introduced by the Government in the discharge proceedings, and the discharge is based upon those proceedings. The separation authority will consult with the servicing Judge Advocate in cases involving limited use evidence.

(d) 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 14-3 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.

(b) 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.

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 "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 applicant was notified of initiation of separation because of wrongfully using Lysergic Acid Diethylamide (LSD). Additionally, on 3 January 2022, the applicant was charged by civilian law enforcement for Driving while Intoxicated, as well as Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree. the applicant was separated with a general (under honorable conditions).

c. The applicant contends the current characterization is inequitable because the applicant's record reflects a single positive test for LSD despite no prior history of substance issues throughout the applicant's career.

d. The applicant reports completing SUDCC for an unrelated DWI, during which the counselor noted no indicators of substance-abuse problems.

e. The applicant states the Article 15 and subsequent separation were based solely on one contested result, with no opportunity for confirmatory testing despite a clean test the day prior.

f. The applicant contends explains mental-health strain, an ongoing legal matter, and proximity to ETS influenced the decision to decline a court-martial.

g. The applicant contends the discharge does not reflect overall performance, duty history, or character, and requests an upgrade to receive full benefits and ensure the record accurately represents the applicant's service.

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 which were void. However, the applicant asserts 'mental health strain' during separation process.

(2) Did the condition exist or experience occur during military service? **Yes.** Asserts 'mental health strain' during separation process.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there are no service-related diagnoses/symptoms for consideration at this time.

(4) Does the condition or experience outweigh the discharge? **No.** Despite the Board's application of liberal consideration, the Board considered the opinion of the Board's Medical Advisor, a voting member, that the available evidence did not support a conclusion that the

applicant's claimed mental strain was causal to the misconduct instead of as a result of the consequences.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends the current characterization is inequitable because the applicant's record reflects a single positive test for LSD despite no prior history of substance issues throughout the applicant's career. The Board considered this contention but determined evidence on record demonstrates continued LSD use, not a one-time event, and no relief is warranted.

(2) The applicant reports completing SUDCC for an unrelated DWI, during which the counselor noted no indicators of substance-abuse problems. The Board considered this contention non-persuasive during its deliberations. The applicant's continued LSD uses, DUI, and aggravated unlicensed driving all demonstrated a general lack of discipline.

(3) The applicant states the Article 15 and subsequent separation were based solely on one contested result, with no opportunity for confirmatory testing despite a clean test the day prior. The Board considered this contention but determined evidence on record demonstrates continued LSD use, not a one-time event, and no relief is warranted.

(4) The applicant contends explains mental-health strain, an ongoing legal matter, and proximity to ETS influenced the decision to decline a court-martial. The Board considered this contention and the applicant's assertion of mental health strain, however the Board determined that there is insufficient evidence of said diagnoses in official or medical records, and the applicant did not provide supporting documentation by a qualified medical professional to provide merit to the claim. Ultimately, the Board determined that the assertion alone did not outweigh the basis of separation due to the severity of the offenses.

(5) The applicant contends the discharge does not reflect overall performance, duty history, or character, and requests an upgrade to receive full benefits and ensure the record accurately represents the applicant's service. The applicant contends good service. The Board considered the totality of the applicant's service record but determined the applicant's discharge was appropriate because the quality of the applicant's service was not consistent with the Army's standards for acceptable personal conduct and performance of duty by military personnel. By continued LSD use, DUI, and aggravated unlicensed driving, the applicant diminished the quality of service below that meriting an honorable discharge at the time of separation.

d. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a telephonic personal appearance hearing to address the issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or

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not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the totality of the applicant's service record was insufficient to outweigh the applicant's LSD use, DUI, and aggravated unlicensed driving. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant's discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was both proper and equitable.

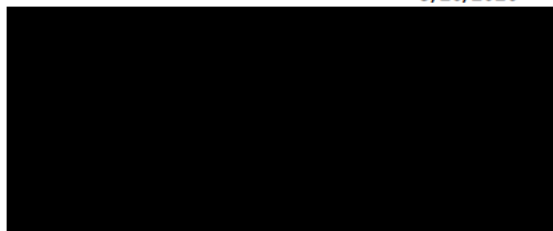
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: No
- b. Change Characterization to: No Change
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

3/26/2026



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