

1. Applicant's Name: [REDACTED]**a. Application Date:** 18 March 2022**b. Date Received:** 16 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 under other than honorable conditions. The applicant requests an upgrade to honorable.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, a change to the character of discharge to improve life prospects and remove a long-standing burden. Service included many positive memories; however, several adverse events precipitated a downward spiral. A noncommissioned officer sexually harassed the applicant, and the applicant reported the incident to military personnel. Personnel implicitly instructed the applicant to drop the matter after the accused voluntarily left the dining facility. Fearing disciplinary consequences, the applicant complied. The incident triggered memories of a childhood sexual assault and severely affected the applicant's mental health. Command referred the applicant to behavioral health. Behavioral health diagnosed major depressive disorder and assigned extra duty. Noncommissioned officers on duty publicly chastised the applicant for the same misconduct already under punishment. The applicant attended Narcotics Anonymous meetings, which provided meaningful support; however, persistent ridicule during extra duty contributed to a relapse into drug use. The applicant accepts responsibility for poor choices made during the period and explains why the situation did not receive adequate institutional support.

c. The applicant contends behavioral health did not treat the case with sufficient seriousness and perceived unit actions as box-checking rather than genuine care. Unit leadership's response eroded trust and worsened the applicant's depression, self-confidence, and sense of self-worth, culminating in the misconduct that led to separation. The applicant separated from the Army on 27 March 2017 and regards the date as a profound personal failure. After separation, the applicant reentered the workforce, regained stability, and achieved sustained recovery. On October 8 the applicant will mark six years of sobriety and has also quit smoking. The applicant relocated to Florida in August and now works full-time at Walmart, which enables college enrollment. An other-than-honorable discharge has created significant barriers to Veterans Administration benefits. VA personnel have denied or limited benefits based on discharge characterization despite documentation indicating eligibility for treatment of service-connected conditions.

d. Multiple physicians have recommended future bilateral hip surgery; a VA referral to a specialist did not secure a no-cost MRI, and the applicant faces charges for imaging. Discharge characterization prevents issuance of a veteran identification card, restricts treatment to conditions listed in existing paperwork, and precludes recognition as a disabled veteran. The applicant respectfully requests reconsideration of discharge characterization to allow access to earned medical care, educational opportunities, and full participation in veterans' programs

e. Board Type and Decision: In a records review conducted on 18 March 2026, and by a 2-1 vote, the Board determined that the characterization of service was inequitable based on clemency for the applicant's MST warranting partial relief but recognizing the severity of the applicant's misconduct of drug distribution. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. 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 / Under Other Than Honorable Conditions

b. Date of Discharge: 27 March 2017

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 15 November 2016

(2) Basis for Separation: The applicant was informed of the following reasons: For Misconduct-Abuse of Illegal Drugs.

a. Between on or about 1 July 2016 and on or about 28 July 2016, the applicant wrongfully used methylenedioxyamphetamine/methylenedioxymethamphetamine (Ecstasy), a schedule I controlled substance.

b. Between on or about 1 July 2016 and on or about 28 July 2016, the applicant wrongfully used cocaine, a schedule II-controlled substance.

c. On or about 29 July 2016, the applicant wrongfully used cocaine, a schedule II-controlled substance.

d. On or about 29 July 2016, the applicant wrongfully used methylenedioxyamphetamine/methylenedioxymethamphetamine (Ecstasy), a schedule I controlled substance.

e. On or about 29 July 2016, the applicant wrongfully distributed cocaine, a schedule II-controlled substance.

f. Between on or 5 October 2016 about on or about 8 October 2016, the applicant wrongfully used cocaine, a schedule II-controlled substance.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 16 November 2016

(5) Administrative Separation Board:

a. On 16 November 2016, the applicant conditionally waived consideration by the administrative separation board, requesting a discharge characterized no less favorably than general (under honorable conditions).

b. On 3 January 2017, the conditional waiver was denied.

c. On 9 January 2017 and 24 January 2017, the applicant received notification to appear before an administrative separation board and was advised of rights.

d. On 7 February 2017, the administrative separation board convened, and the applicant appeared with counsel. The administrative separation board determined a preponderance of the evidence did support the six listed reasons in the notification memorandum. It recommended the applicant's discharge with a characterization of service as under other than honorable conditions.

e. On 13 March 2017, the separation authority approved the administrative separation board's findings and recommendations

(6) Separation Decision Date / Characterization: 13 Marh 2017 / Under Other Than Honorable Conditions / The separation authority reviewed the administrative separation packet, the administrative separation board proceedings, and the Medical Evaluation Board (MEB) proceedings

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 20 July 2015 / 3 years, 21 weeks

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 92

c. Highest Grade Achieved / MOS / Total Service: E-3 / 92G10, Food Service Specialist / 1 year, 8 months, 8 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 15 August 2016, indicates the applicant tested positive for COC 37886 (cocaine), MDA 11768 (methylenedioxymphetamine), and MDMA 128351(methylenedioxymethamphetamine) during a Probable Cause (PO) urinalysis testing conducted on 15 August 2016.

(2) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 1 December 2016 indicates between on or 5 October 2016 about on or 8 October 2016, the applicant wrongfully used cocaine, a schedule II-controlled substance. The imposed punishment included 45 days of extra duty and restriction.

(3) Electronic Copy of Specimen Custody Document – Drug Testing, 25 October 2016, indicates the applicant tested positive for COC 68228 (cocaine), during a Probable Cause (PO) urinalysis testing conducted on 8 October 2016.

(4) Report of Proceedings by Investigating Officer/Board of Officers, 7 February 2017, indicates the board determined a preponderance of the evidence did support the six listed reasons in the notification memorandum. It recommended the applicant's discharge with a characterization of service as under other than honorable condition.

(5) Medical Evaluation Review Memorandum, 3 March 2017, indicates the applicant entered medical evaluation board (MEB) on 8 August 016 for chronic hip pain diagnosed as femoacetabular impingement of both right and left hips. The applicant had no history of mental health issues until after the legal problems at which point the applicant has been seen in the substance use clinic and supported at the embedded behavioral health clinic related to the legal stressors. The applicant also received medications for mood and sleep surround legal stressors and carries a diagnosis of Adjustment Disorder.

(6) ARBA requested a CID, or police report due to the applicant's statement of sexual harassment; however, no record was found.

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:** VA Rating Decision Letter, 9 February 2018, reflects the applicant is eligible for treatment for the following condition: Major depressive disorder.

(2) AMHRR Listed:

(a) Report of Mental Status Evaluation (MSE), 20 October 2016], 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 applicant was diagnosed with Cocaine Dependence, unspecified.

(b) Medical Evaluation Review Memorandum, 3 March 2017, indicates the applicant had no history of mental health issues until after the legal problems, at which the applicant has been seen in the substance use clinic and supported at the embedded behavioral health clinic related to the legal stressors. The applicant also received medications for mood and sleep surround the legal stressors and carries a diagnosis of adjustment disorder. The applicant was found to have no evidence of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI) and Sexual Assault. The applicant was found to meet medical retention standards for psychiatric conditions and noted to carry the diagnosis of cocaine use disorder. The underlying IDES condition of hip pain does not impact the applicant's capability to foresee the outcomes of their behaviors. In the presence of possessing knowledge the use or distribution of illicit drugs in the Army is illegal, the decisional capacity to know right from wrong, the capacity to foresee the outcomes of their behaviors, and possessing choices of obtaining treatment for substance addiction. In conclusion, the applicant is responsible for all of their actions. The medical condition is not a direct or substantial contributing cause for the underlying misconduct.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; self-authored statement; VA Form 21-0819; VA Form 21-4138; Soldier for Life Letter; two third-party letters; VA rating decision letter (1 page).

6. POST SERVICE ACCOMPLISHMENTS: The applicant has jumped right back into the work force and gained control of their life. This year, on October 8th, will mark six years the applicant has been drug free, the applicant has since also quit smoking cigarettes, and could not be happier. The applicant has moved to Florida in August, and works full-time at Walmart, and because of this job the applicant is now able to attend college.

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

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

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.
- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.
- RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(a) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(b) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(c) Paragraph 3-7c states an Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(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.

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

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

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

b. The available evidence reflects the applicant received notification of the intent to discharge them from the U.S. Army for Misconduct-Abuse of Illegal Drugs, the applicant conditionally waived consideration by the administrative separation board, requesting a discharge characterized no less favorably than general (under honorable conditions). On 3 January 2017, the conditional waiver was denied. On 9 January 2017 and 24 January 2017, the applicant received notification to appear before an administrative separation board and was advised of rights. On 7 February 2017, the administrative separation board convened, and the applicant appeared with counsel. The administrative separation board determined a preponderance of the evidence did support the six listed reasons in the notification memorandum. It recommended the applicant's discharge with a characterization of service as under other than honorable conditions. The applicant was involuntarily discharged with a character of service of under other than honorable conditions.

b. The applicant contends after being sexual harassed by an NCO, they made terrible choices and fell into a black hole, the hole was drugs. The applicant was sent to behavioral health and given the diagnosis of major depressive disorder. The applicant does not believe behavior health took the case seriously, and when the applicant went, they believed it was the units attempt to check all their boxes. The applicant provided VA Rating Decision Letter, 9 February 2018, which reflects the applicant is eligible for treatment for the following condition: Major depressive disorder. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 20 October 2016, which 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. Medical Evaluation Review Memorandum, 3 March 2017, indicates the applicant had no history of mental health issues until after the legal problems, at which the applicant has been seen in the substance use clinic and supported at the embedded behavioral health clinic related to the legal stressors.

c. The applicant also received medications for mood and sleep surround the legal stressors and carries a diagnosis of adjustment disorder. The applicant was found to have no evidence of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI) and Sexual Assault. The applicant was found to meet medical retention standards for psychiatric conditions and noted to carry the diagnosis of cocaine use disorder. The underlying IDDES condition of hip pain does not impact the applicant's capability to foresee the outcomes of their behaviors. In the presence of possessing knowledge the use or distribution of illicit drugs in the Army is illegal, the decisional capacity to know right from wrong, the capacity to foresee the outcomes of their behaviors, and possessing choices of obtaining treatment for substance addiction. In conclusion, the applicant is responsible for all of their actions. The medical condition is not a direct or substantial contributing cause for the underlying misconduct. The separation authority considered all the medical documents. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

d. The applicant contends harassment and being chastised by the NCO's on duty while the applicant was serving their punishment. However, the applicant provided no supporting evidence beyond their statement. The AMHRR includes no evidence the applicant sought assistance or reported the harassment.

e. The third-party statements provided with the application reflect the applicant's good character and hard work both while serving in the Army and after.

f. The applicant contends an upgraded discharge would grant access to veterans' benefits. Eligibility for veteran's benefits does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local Department of Veterans Affairs office for further assistance.

g. The applicant has jumped right back into the work force and gained control of their life. This year, on October 8th, will mark six years the applicant has been drug free, the applicant has since also quit smoking cigarettes, and could not be happier. The applicant has moved to Florida in August, and works full-time at Walmart, and because of this job the applicant is now able to attend college. 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

9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: Cocaine Use Disorder, Stimulant Use Disorder, Adjustment Disorder with depressed mood, Major Depressive Disorder (MDD), Cocaine Dependence and Insomnia. Additionally, the applicant asserts sexual harassment by an NCO, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found ASAP and BH documentation from the applicant's time in service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the applicant's BH condition could partially mitigate some of the misconduct. The applicant self-referred to ASAP in Aug 2016 and had positive drug tests for cocaine and ecstasy on 15 Aug 2016 and 25 Oct 2016. Records showed applicant also utilized BH treatment for symptoms of depression, anxiety, and PTSD, and was diagnosed with an Adjustment Disorder along with Cocaine Use Disorder. Applicant went through the IDES and a VA C&P examination concluded a diagnosis of MDD, which was related to a childhood history of sexual abuse. The applicant asserts MST as an aggravating condition which led to substance use. In accordance with liberal consideration, the board could consider medical mitigation for cocaine and ecstasy use as there is a nexus between trauma exposure, MST, and substance use. However, the applicant's misconduct related to distribution of cocaine is not mitigated by diagnosed mental health conditions given that distribution is a purposeful, conscious, likely pre-meditated act carried out to achieve a goal that is not associated with trauma or self-medication.

(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 MDD, PTSD, MST outweighed the unmitigated drug distribution for the aforementioned reason(s).

b. Prior Decisions Cited: **N/A**

c. Response to Contention(s):

(1) The applicant contends after being sexual harassed by an NCO, they made terrible choices and fell into a black hole, the hole was drugs. The applicant was sent to behavioral health and given the diagnosis of major depressive disorder. The applicant does not believe behavior health took the case seriously, and when the applicant went, they believed it was the units attempt to check all their boxes. The Board considered this contention but found an upgrade to Honorable not supported by the evidence of record. The Honorable characterization is appropriate when the quality of the Soldier's service generally has met the standards of

accept conduct and performance of duty or is otherwise meritorious that any other characterization would be clearly inappropriate. The Board found that the applicant's service, given the nature of the misconduct, including distribution of drugs, was not sufficiently meritorious to warrant an honorable discharge. However, recognizing the applicant's MST while in-service, the Board voted partial relief warranted based on clemency.

(2) The applicant contends harassment and being chastised by the NCO's on duty while the applicant was serving their punishment. The Board considered this contention but found an upgrade to Honorable not supported by the evidence of record. The Honorable characterization is appropriate when the quality of the Soldier's service generally has met the standards of accept conduct and performance of duty or is otherwise meritorious that any other characterization would be clearly inappropriate. The Board found that the applicant's service, given the nature of the misconduct, including distribution of drugs, was not sufficiently meritorious to warrant an honorable discharge. However, recognizing the applicant's MST while in-service, the Board voted partial relief warranted based on clemency.

(3) The third-party statements provided with the application reflect the applicant's good character and hard work both while serving in the Army and after. The applicant has jumped right back into the work force and gained control of their life. This year, on October 8th, will mark six years the applicant has been drug free, the applicant has since also quit smoking cigarettes, and could not be happier. The applicant has moved to Florida in August, and works full-time at Walmart, and because of this job the applicant is now able to attend college. The Board recognizes and appreciates the applicant's service and post-service accomplishments, considered this contention during board proceedings along with the totality of the applicant's service record, and determined that the applicant's MST mitigated the numerous instances of drug abuse, but only partially outweighed the applicant's distribution of drugs charge based off clemency, and partial relief was warranted.

(4) The applicant contends an upgraded discharge would grant access to veterans' benefits. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance. In addition, the Board does not grant relief solely to enable these benefits or to gain employment or enhance employment opportunities barring some other impropriety or inequity in the discharge process.

d. The Board determined that the characterization of service was inequitable based on clemency for the applicant's MST warranting partial relief but recognizing the severity of the applicant's misconduct of drug distribution. However, the applicant may request a telephonic personal appearance hearing to address further 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 not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

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(2) The Board voted to change the applicant's characterization of service to General, Under Honorable Conditions based off clemency and partial medical mitigation. While the applicant's MST mitigated the offenses of numerous uses of Cocaine and Ecstasy, the remaining offense(s) of drug distribution had no medical mitigation or additional circumstances sufficient to outweigh the severity of the misconduct. 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. 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, recognizing the seriousness of distribution of drugs, 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:** Yes
- b. **Change Characterization to:** General, Under Honorable Conditions
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

3/24/2026

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