

1. Applicant's Name: [REDACTED]**a. Application Date:** 18 August 2022**b. Date Received:** 7 October 2022**c. Counsel:** [REDACTED]**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 Under Other Than Honorable. The applicant requests an upgrade to honorable and a change of their separation code and the narrative reason for separation.

(2) The applicant, through counsel, seeks relief contending their case should receive liberal consideration because their service-connected physical and mental illnesses, including Post Traumatic Stress Disorder (PTSD), mitigate their conduct including to addiction to opioids that developed after they were prescribed to treat their injuries. Their meritorious service, including combat exposure during a yearlong deployment to Iraq, outweigh the misconduct such that their discharge is too harsh. Their post service evidence is worth of consideration under the Wilkie memorandum, through employment and personal achievements after their discharge, including a hard-won sobriety through commitment to proper mental health care and serving as an example to other veterans struggling with addiction. They demonstrated it is in the interests of fairness and honoring the tradition of second chances to grant them an upgrade to related relief. They seek an upgrade to Honorable to both restore their eligibility for Department of Veterans Affairs (VA) benefits and to reflect their years of commendable service more accurately.

b. Board Type and Decision: In a records review conducted on 31 October 2025, and by a 3-0 vote. The Board approved the applicant's request after determining that the separation was both procedurally improper and substantively inequitable. As a result, the Board voted to grant relief by upgrading the characterization of service to Honorable, changed the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The reentry eligibility (RE) code will also change to RE-3. Please see Board Discussion and Determination section for more detail regarding the Board's decision. Board member names available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / Army Regulations 635-200, Paragraph 14-12c(2) / JKK / RE-4 / Under Other Than Honorable Conditions

b. Date of Discharge: 23 August 2011**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 26 April 2011

(2) Basis for Separation: wrongfully used heroine and as a resulted tested positive for heroine on 17 August 2010.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 10 May 2011

(5) Administrative Separation Board: on 22 July 2011, the Administrative Separation Board recommended the applicant be separated with an Under Other Than Honorable Conditions characterization of service.

(6) Separation Decision Date / Characterization: 16 August 2011 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Reenlistment: 6 December 2008 / 5 years

b. Age at Reenlistment / Education / GT Score: 24 / HS Graduate / 103

c. Highest Grade Achieved / MOS / Total Service: E-4 / 89B1O, Ammunition Specialist / 4 years, 9 months, 21 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (14 October 2008 – 14 October 2009)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DD Form 2807-1 (Report of Medical History) dated 16 October 2006, reflects the applicant marked "No" to item 17i (Used illegal drugs or abused prescription drugs).

(2) A memorandum, U.S. Army Criminal Investigation Command (CID), Fort Drum CID Office, subject: CID Report of Investigation, dated 9 September 2010, reflects the applicant as the named subject in violation of Article 112a (Wrongful Use of a Controlled Substance), UCMJ.

(a) The Investigative Summary reflects the applicant's squad leader reported the applicant tested positive for a controlled substance. Investigation revealed the applicant used heroin as determined by a urinalysis. The applicant was interviewed and denied they used heroin and then invoked their rights requesting legal counsel.

(b) An attached CID Form 94 (Agent's Investigation Report) dated 8 September 2010, reflects on 1 September 2010, the applicant's company commander was briefed on all aspects of the investigation. The company commander stated they intend to seek nonjudicial punishment in the form of a Field Grade Article 15 and initiate separation action. On 8 September 2010, Captain J____ N____, Trial Counsel, Office of the Staff Judge Advocate, Fort Drum, NY, opined there was probable cause to believe the applicant committed the offense

of wrongful use of a controlled substance based on the positive urinalysis results of the applicant.

(3) A DA Form 4856 (Developmental Counseling Form) dated 9 September 2010 reflects the applicant received counseling, from their squad leader, for testing positive on urinalysis. The Key Points of Discussion reflects the applicant tested positive on a company urinalysis in August 2010 and was directed to attend the Army Substance Abuse Program. The applicant disagreed with the information and remarked "I disagree and believe that the positive results on the UA are from the prescription medication I am currently prescribed. I do not abuse illegal substances and am currently gathering records to prove my innocence. The Army is my life, and I love what I do. I will stay motivated and keep my moral up during this process. Thank you for your time."

(4) A DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) dated 3 November 2010 reflects the applicant received nonjudicial punishment, in that they, did, at or near Fort Drum, NY, between on or about 14 August 2010 and 17 August 2010, wrongfully used heroine, in violation of Article 112a, UCMJ. The applicant's punishment consisted of a reduction in rank/grade from specialist/E-4 to private two/E-2, forfeiture of \$823.00 pay for two months, extra duty for 45 days and an oral reprimand.

- on 7 January 2011, the applicant elected to appeal and to submit additional matters
- on 18 January 2011, the Reviewing Judge Advocate, considered the appeal and opined, the proceedings were conducted in accordance with law and regulation and the punishment imposed were not unjust nor disproportionate to the offense committed
- on 20 January 2011, the brigade commander, after consideration of all matters presented in the appeal, denied the applicant's appeal

(5) A memorandum, Headquarters, 1st Battalion, 10th Aviation Regiment (Rear)(Detachment), 10th Combat Aviation Brigade (Rear)(Provisional), subject: Administrative Board Proceedings – Separation under Army Regulation 635-200, Paragraph 14-12c(2), (Abuse of Illegal Drugs), dated 26 April 2011, reflects the applicant received notification of the initiation of separation action against them from their company commander for Abuse of Illegal Drugs. The reason for the proposed separation action is for wrongfully used heroine and as a result tested positive for heroine on 17 August 2010. The company commander recommended the applicant's service be characterized as Under Other Than Honorable Conditions. On the same date the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(6) On 10 May 2011, the applicant completed their Election of Rights acknowledging they have received notice from their commander of the basis for the contemplated action to separate them under Army Regulation 635-200, paragraph 14-12c (2), its potential effects; and the rights available to them. They elected to take the opportunity to seek advice from military counsel. They elected to conditionally waive their right to an Administrative Separation Board if the separation authority separates them with a character of service of Honorable and suspends the proposed separation for a period not to exceed 12 months. They understand they may expect to encounter substantial prejudice in civilian life if a discharge/character of service that is less than honorable is issued to them. The applicant elected to submit statements in their own behalf.

(a) In that applicant's memorandum, subject: Rebuttal Memorandum, dated 10 May 2011, they stated they have made the biggest and most embarrassing mistake of their life and there is no excuse for what they have done. They request an honorable discharge and suspend this action for a period of up to 12 months, so they are able to prove themselves. They have

never gotten into any trouble throughout their entire military career up to this point. They have always been an outstanding Soldier and went above and beyond the standards. Upon returning from Operation Iraqi Freedom, they received two surgical procedures. They were prescribed a wide range of narcotic pain medication, and they became very dependent on them which led to their devastating mistake. They successfully completed an inpatient rehabilitation program and are enrolled in the Army Substance Abuse Program. They feel they are worthy as a dedicated Soldier of a second chance.

(b) Three Rehabilitation Institute letters, dated 16 May 2011 and 17 May 2011, reflects verification and support of the applicant's progress in their 28-day residential program. The applicant successfully completed and was discharged from the program on 21 March 2011. The applicant has always expressed and demonstrated through their behavior a strong motivation to remain in the military and it is their recommendation the applicant be considered for continued service.

(c) Two 3rd Party Statements from noncommissioned officers' attests to the applicant's as a great asset to the Army, exceptional Soldier and that they strive to live the Army Values on and off duty.

(7) A memorandum, Headquarters, 1st Battalion, 10th Aviation Regiment (Rear)(Detachment), 10th Combat Aviation Brigade (Rear)(Provisional), subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c(2), (Abuse of Illegal Drugs), dated 10 May 2011, reflects the applicant's company commander recommended the applicant be separated from the Army prior to the expiration of their current term of service. The company commander does not consider it feasible or appropriate to accomplish other disposition as the applicant cannot adapt to the military lifestyle and lacks self-motivation. They represent a command liability and impairs good order and discipline in the unit. The applicant has no desire to uphold the Army Values.

(8) A memorandum, Headquarters, 10th Combat Aviation Brigade subject: Separation under Army Regulation 635-200, Paragraph 14-12c (2), [Applicant], dated 18 May 2011, reflects the applicant's battalion commander's recommendation for the applicant's separation from the Army prior to the expiration of their current term of service. The commander recommends the applicant's serve be characterized as Under Other Than Honorable Conditions and commented the justification as the applicant's low integrity issues and a serious heroin addiction. Continued service is not an option.

(9) A memorandum, Headquarters, Fort Drum, subject: Separation under the Provisions of Army Regulation 635-200, Chapter 14, Section III, Paragraph 14-12c (2) Misconduct-Abuse of Illegal Drugs – [Applicant], dated 31 May 2011, reflects the separation authority disapproved the applicant's conditional waiver request. The applicant's case will be referred to an Administrative Separation Board.

(10) A memorandum, U.S. Army Medical Activity, Preventive Medicine, subject: Notification of Board Proceedings, dated 18 July 2011, reflects the applicant's notification of an Administrative Separation Board will convene on 22 July 2011. The board will convene to determine if they should be recommended for elimination under the provisions of Army Regulation 635-200, paragraph 1412c (2), Misconduct – Abuse of Illegal Drugs.

(11) A DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) dated 22 July 2011, reflects in –

(a) Section IV (Findings), the board having carefully considered the evidence, finds by a preponderance of the evidence that the applicant, did abuse illegal drugs.

(b) Section V (Recommendations), in view of the above findings, the board recommends the applicant be separated from the U.S. Army before the expiration of their current term of service under the provisions of Army Regulation 635-200, paragraph 14-12c (2), for Abuse of Illegal Drugs. The board further recommends the applicant receive an Under Other Than Honorable Conditions Discharge.

(12) A memorandum, Headquarters, Fort Drum, subject: Separation under the Provisions of Army Regulation 635-200, Chapter 14, Section III, Paragraph 14-12c (2), Misconduct – Abuse of Illegal Drugs, dated 16 August 2011, reflects the separation authority directed the separation of the applicant with an Under Other Than Honorable Conditions. The commanding general states the applicant will not be transferred to the Individual Ready Reserve. This Soldier clearly has no potential for useful service under the conditions of full mobilization. In accordance with Army Regulation 600-8-19, paragraph 10-15, reduction to the lowest enlisted grade is directed.

(13) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects they were discharged on 23 August 2011, with 4 years, 9 months, and 21 days of net active service this period. The DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 16 August 2011
- item 24 (Character of Service) – Under Other Than Honorable
- 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

a. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor. See “Board Discussion and Determination” for Medical Advisor Details.

(1) **Applicant provided:** Psychosocial Assessment – Detox reflects for Substance Use History, the applicant first started using drugs as a teen – experimented with cannabis, oxycontin and cocaine. In their early twenty's they were using oxycontin, alcohol and cocaine on the weekends. Then they joined the military and stopped everything. VA Rating Decision reflecting service connection for treatment purposes for PTSD is granted because the records show this condition was incurred in or caused by their military service.

(2) **AMHRR Listed:** Report of Behavioral Health Evaluation reflecting a diagnosis of Opioid Dependence; however, the Clinical Psychology Resident stated there is no psychiatric disease or defect that warrants disposition through medical channels.

5. APPLICANT-PROVIDED EVIDENCE:

- two DD Forms 293 (Application for the Review of Discharge from the Armed Forces of the United States), with exhibits
 - Exhibit 1 – Personal Statement
 - Exhibit 2 – DD Form 214

- Exhibit 3 – Military Awards and Medals
 - Exhibit 4 – Developmental Counseling Forms
 - Exhibit 5 – Summary of Proceedings
 - Exhibit 6 – Character Reference Letters and Applicant's Statement to the Administrative Separation Board
 - Exhibit 7 – Service Medical Records
 - Exhibit 8 – VA Decision Letter and Rating Decision
 - Exhibit 9 – VA Initial PTSD Disability Benefits Questionnaire
 - Exhibit 10 – Character Letter from Family
 - Exhibit 11 – Post Service Medical Records
 - Exhibit 12 – VA Doctor Opinion Letter
 - Exhibit 13 – Post Service Employment Performance Appraisals and Awards
 - Exhibit 14 – Character Letter from Employers
- The Veterans Consortium Discharge Upgrade Program Letter with Pro BONO Program Agreement to Engage an Attorney
 - Pro BONO Brief in Support of Application

6. POST SERVICE ACCOMPLISHMENTS: none submitted with the 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. 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; Title 10, U.S. Code, Section 1553; and Department of Defense (DoD) Directive 1332.41 and DoD Instruction 1332.28.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) effective 6 September 2011, 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. It prescribes the policies, procedures, and the general provisions governing the separation of Soldiers before expiration term of service or fulfillment of active-duty obligation to meet the needs of the Army and its Soldiers.

(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) An 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 in the following circumstances, (1) when the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of Soldiers of the Army, (2) when the reason for separation is based upon one or more acts or omissions that constitutes a significant departure from the conduct expected of Soldiers of the Army.

(4) 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.

(5) 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.

g. 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).

h. 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.

i. 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.

j. Manual for Courts-Martial, United States (2008 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).

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 reflects as the applicant received nonjudicial punishment under the provisions of Article 15, UCMJ for testing positive for heroine, had their case considered by an Administrative Separation Board and was involuntarily discharged from the U.S. Army. Their DD Form 214 provides they were discharged with a character of service of Under Other Than Honorable Conditions for misconduct (drug abuse). They completed 4 years, 9 months, and 21 days of net active service and complete their first full term of service. However, they did not complete their 5-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; to include abuse of illegal drugs; 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.

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 has the following potentially mitigating diagnoses/experiences: the applicant was diagnosed with service-connected PTSD by the VA related to combat.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found evidence the applicant was diagnosed with service-connected PTSD by the VA related to combat.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of a mitigating mental health condition. The applicant was diagnosed by the VA with PTSD related to combat. During his active service, he was prescribed high levels of opioid medication without regard to the potential for addiction. Given the nexus between PTSD and self-medication with illegal substance, the applicant's use of illegal substances which led to the applicant's separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's condition or experience outweighed the listed basis for separation for the aforementioned reasons.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends their case should receive liberal consideration because their service-connected physical and mental illnesses, including PTSD, mitigate their conduct including to addiction to opioids that developed after they were prescribed to treat their injuries. The Board determined that this contention was valid and voted to upgrade the characterization of service due to the nexus between PTSD and self-medication with illegal substance, the applicant's use of illegal substances which led to the applicant's separation is mitigated.

(2) The applicant contends their meritorious service, including combat exposure during a yearlong deployment to Iraq, outweigh the misconduct such that their discharge is too harsh. The board considered this contention with applicant's length, quality and combat service. The Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable.

(3) The applicant contends their post service evidence is worth of consideration under the Wilkie memorandum, through employment and personal achievements after their discharge, including a hard-won sobriety through commitment to proper mental health care and serving as an example to other veterans struggling with addiction. The board considered this contention to warrant an honorable discharge

(4) The applicant contends they demonstrated it is in the interests of fairness and honoring the tradition of second chances to grant them an upgrade to related relief. The Board considered this contention during proceedings and voted to grant an upgrade to Honorable. Based on a preponderance of evidence to change the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a

corresponding separation code to JFF The reentry eligibility (RE) code will also change to RE-3.

(5) The applicant contents they seek an upgrade to Honorable to both restore their eligibility for VA benefits and to reflect their years of commendable service more accurately. 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.

d. The Board determined to grant relief by upgrading applicant characterization of service to Honorable. with the conclusion of the medical advising official that the applicant's medical diagnosis (PTSD) mitigates the basis of separation (drug use) and warrants a change to the character and narrative reason for separation. Based on a preponderance of evidence to change the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The reentry eligibility (RE) code will also change to RE-3.

e. Rationale for Decision:

(1) The Board voted to change the applicant's reason for discharge or accompanying SPD code to JFF.

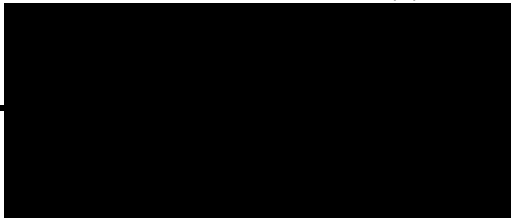
(2) The Board voted to change the RE code to RE-3.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

11/4/2025



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