

1. Applicant's Name: [REDACTED]**a. Application Date:** 8 July 2022**b. Date Received:** 14 July 2022**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable and a narrative reason change.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, to have served one year and eight months. During their time in service, the applicant suffered a damaging back injury between basic and Airborne School. The injury persisted through the applicant's time in service and continues to persist today. At the applicant's first duty station, the applicant was contacted by the applicant's parent to inform the applicant the parent was terminally ill and diagnosed with sarcoidosis, which had spread through the parent's body. The applicant was on profile for a majority of their time at Fort Campbell. The applicant was struggling through physical therapy and exhausting every option to get healthy without back surgery. The applicant received Department of Veterans Affairs (VA) compensation for generalized anxiety and low back damage. The applicant failed one urinalysis for marijuana (THC). This was not anticipated and caught the applicant by surprise. The applicant used a vape the applicant was told was mostly CBD [cannabidiol] and would help with the applicant's back pain and anxiety. This one mistake left the applicant with a general discharge and a drug abuser for one miscalculated mistake. The discharge/narrative has impacted the applicant's life dramatically. The applicant believes if the applicant were not injured or struggling with anxiety, the applicant would have been retained and continued to serve.

c. Board Type and Decision: In a records review conducted on 24 March 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the circumstances surrounding the discharge (OBHI diagnoses) and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 15 April 2020

c. Separation Facts: The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

(1) Date of Notification of Intent to Separate: NIF

- (2) Basis for Separation:** NIF
- (3) Recommended Characterization:** NIF
- (4) Legal Consultation Date:** NIF
- (5) Administrative Separation Board:** NIF
- (6) Separation Decision Date / Characterization:** NIF

4. SERVICE DETAILS:

- a. Date / Period of Enlistment Under Review:** 3 July 2018 / 3 years, 29 weeks
- b. Age at Enlistment / Education / GT Score:** 18 / HS Graduate / 103
- c. Highest Grade Achieved / MOS / Total Service:** E-3 / 11B1O, Infantryman / 1 year, 9 months, 13 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** None
- f. Awards and Decorations:** NDSM, GWOTSM, ASR
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:**

(1) Applicant provided:

(a) Memorandum, subject: Commanders Notification and Required Response to Positive Urine Test Report, 12 September 2019, reflects the applicant tested positive for THC (marijuana), which was collected on 15 August 2019.

(b) Command Referral for Substance Use Disorder (SUD) Evaluation, 17 September 2019, reflects the commander referred the applicant for a SUD evaluation because the applicant tested positive for marijuana. The commander indicated the applicant's performance and behavioral/conduct was good.

(c) Certificate of Training, 6 November 2019, shows the applicant successfully completed Alcohol and Drug Abuse Prevention Training (12 hours) Prime for Life.

(2) AMHRR Listed:

(a) Headquarters, 101st Airborne Division (Air Assault), Fort Campbell, Orders 101-0201, 10 April 2020, indicate the applicant was reassigned to the U.S. Army Transition Point and scheduled for discharge from the Regular Army on 15 April 2020.

(b) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) indicates the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 14-12c(2), with a narrative reason of Misconduct (Drug Abuse). The DD Form 214 was not authenticated with the applicant's signature.

(c) Enlisted Record Brief (ERB), 17 April 2020, reflects the applicant was flagged for Drug Abuse (Adverse Action) (UA), effective 24 September 2019, and was ineligible for reenlistment due to Adverse Action Flag (Flag Codes A, H, L, M, U, V, and X) (9B). The applicant was reduced from E-3 to E-1 effective 22 November 2019.

i. **Lost Time / Mode of Return:** None

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

(1) Applicant provided:

(a) Report of Medical History (second page), unavailable, the applicant reported, among other medical conditions, frequent headaches, trouble sleeping, command ordered Embedded Behavioral Health, and stress. The applicant further reported ankle and knee pain, back pain, failed urinalysis, and coughing and wheezing. The examiner comments are unavailable.

(b) Department of Veterans Affairs Disability Rating, 4 July 2022, indicates the applicant received a 70 percent disability rating for unspecified anxiety disorder and insomnia disorder with non-sleep disorder mental comorbidity, 10 percent for right knee strain, 20 percent for lumbosacral strain; 80 percent combined.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; Joint Services Transcript; ERB; separation documents, ADAPT Certificate; Report of Medical History (second page); MEQ transcripts; résumé; statement/handgun carry license; and VA Disability Rating.

6. POST SERVICE ACCOMPLISHMENTS: The applicant maintained employment and continued to enhance various job skills.

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 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) 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.

(c) 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.

(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 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(b) 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.

(c) 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.

(3) Chapter 15 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. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

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 and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was not authenticated by the applicant's signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c (2), by reason of Misconduct (Drug Abuse), with a characterization of service of general (under honorable conditions).

c. The applicant contends:

(1) The applicant's mental and physical health issues, along with family issues affected behavior, which led to the discharge. The applicant provided the second page of the Report of Medical History showing the applicant reported in-service mental and physical health issues. The applicant provided the Department of Veterans Affairs Disability Rating, which indicates the applicant received a 70 percent disability rating for unspecified anxiety disorder and insomnia

disorder with non-sleep disorder mental comorbidity, 10 percent for right knee strain, 20 percent for lumbosacral strain; 80 percent combined. The applicant's AMHRR is void of any evidence of the applicant being diagnosed with a mental health condition.

(2) The event leading to the discharge from the Army was an isolated incident. Army Regulation 635-200, paragraph 3-5, states certain circumstances allow a single act of conduct or duty performance to serve as the basis for service characterization.

(3) The applicant provided good service. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

(4) The Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c (2), of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Drug Abuse)," as the narrative reason for discharge under this provision and assign the separation code "JKK." Army Regulation 635-8 (Separation Processing and Documents) governs how officials prepare the DD Form 214. This regulation mandates that block 28 must list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason.

(5) The applicant maintained employment and continued to enhance various job skills. 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: Generalized Anxiety Disorder (GAD).

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant is 90% SC with 70% for GAD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that the applicant asserts that their misconduct was directly related to mental health conditions. While in service, they were seen twice for a Command-directed SUDCC intake and a Chapter MSE in MH. They completed ADAPT as well but records were void of documentation. After service, they are 90% SC with 70% for Generalized Anxiety Disorder (GAD). VA records were void of additional MH documentation in order to better understand the nature of the anxiety disorder. The ARBA Medical Advisor will concede the diagnosis of SC GAD. As such, given the nexus between GAD, using substances as a form of self-medication, and the misconduct, the BoS is medically mitigated when applying liberal guidance.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that GAD outweighed the drug abuse.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends mental and physical health issues, along with family issues affected behavior, which led to the discharge. The Board liberally considered this contention and determined that it was valid due to the applicant's GAD outweighing the applicant's drug abuse offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the event leading to the discharge from the Army was an isolated incident in an otherwise good service record. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's GAD outweighing the applicant's drug abuse offense.

(3) The applicant contends maintaining employment and continuing to enhance various job skills. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's GAD outweighing the applicant's drug abuse offense.

d. The Board determined the discharge is inequitable based on medical/BH mitigation for the Basis of Separation which was determined to be a positive UA for THC. The Board granted relief in the form of upgrading the discharge characterization, SPD code and narrative reason. The Board determined no upgrade was warranted for the reentry code as it was proper and equitable.

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.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's GAD outweighed the applicant's misconduct of marijuana abuse. Thus, the prior characterization is no longer appropriate.

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

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

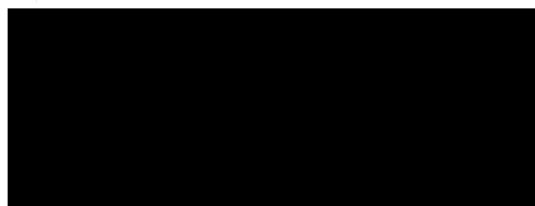
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

3/26/2026



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
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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs