

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 23 July 2022
- b. **Date Received:** 29 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.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the discharge does not show the applicant's character. The applicant developed sleep apnea and did not receive the proper treatment. The applicant completed a tour and did everything the applicant was required to do. The applicant had a unit change within six months of time remaining in service.

c. **Board Type and Decision:** In a records review conducted on 11 September 2025, and by a 5-0 vote, the Board determined the discharge was inequitable because the applicant's behavioral health history, including PTSD from Intimate Partner Violence (IPV), outweighed the misconduct of wrongful marijuana use. Therefore, the Board voted to upgrade the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, 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:** 28 June 2012

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 11 May 2012

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant wrongfully used marijuana.

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

(4) **Legal Consultation Date:** 14 May 2012

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

(6) Separation Decision Date / Characterization: 17 May 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 30 December 2008 / 3 years, 28 weeks

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / 98

c. Highest Grade Achieved / MOS / Total Service: E-4 / 25Q10, Multichannel Transmission Systems Operator-Maintainer / 3 years, 5 months, 29 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (11 September 2009 – 18 August 2010)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 6 February 2012, indicates the applicant tested positive for THC 48 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 24 January 2012.

(2) Developmental Counseling Form, 23 February 2012, documents the applicant tested positive for marijuana during a urinalysis conducted on 24 January 2012.

(3) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 14 March 2012, indicates the applicant was found to have wrongfully used marijuana between 25 December 2012 [sic] and 24 January 2012. The imposed punishment included a reduction to E-1, forfeiture of \$745 pay per month for two months, along with 45 days of extra duty and restriction.

(4) Enlisted Record Brief (ERB), 16 June 2012, reflects the applicant was flagged for Involuntary Separation or Discharge (Field Initiated) (BA), effective 23 March 2012, and was ineligible for reenlistment due to Pending Separation (9V). The applicant's expiration term of service date was 12 July 2012. The applicant was reduced from E-4 to E-1 effective 23 March 2012.

(5) Letters of support: A personal letter from the applicant and a third-party letter, provided during the separation proceedings, suggested the marijuana use was an accident and unknown to the applicant. The applicant's parent-in-law admitted to placing the marijuana in a tea for personal use, and the applicant unknowingly drank the tea. The applicant provided a group letter attesting to the applicant's good character.

i. Lost Time / Mode of Return: None

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

(1) Applicant provided: None

(2) AMHRR provided:

(a) Report of Medical History, 9 April 2012, the medical examiner noted in the comments section: concern with suspected sleep paralysis, pending a sleep study, onset two years, and in February 2012, the applicant indicated having suicidal ideations during training.

(b) Report of Mental Status Evaluation (MSE), 10 April 2012, indicates 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 mild traumatic brain injury (mTBI) screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider their influence.

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty (Member 1 and Member 4 copies); three Applications for the Review of Discharge.

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

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

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

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

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering

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

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

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

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

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

f. Army Regulation 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.

(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 shows the applicant's unit commander initiated separation because the applicant wrongfully used marijuana. During the separation proceedings, the applicant provided a personal letter and a letter from a parent-in-law, indicating the marijuana use was accidental.

c. The applicant contends suffering from in-service sleep apnea, and the condition was not properly treated. The applicant's AMHRR contains a Report of Medical History, 9 April 2012, reflecting the medical examiner noted a concern with suspected sleep paralysis, pending a sleep study, onset of two years. In February 2012, the applicant indicated having suicidal ideations during training. The applicant underwent a mental status evaluation on 10 April 2012, indicating the applicant could appreciate the difference between right and wrong.

d. The applicant contends at the time of the incident, the applicant had only six months left in service. The applicant's AMHRR reflects the urinalysis test was conducted on 24 January 2012, and the applicant had an ETS date of 12 July 2012. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

e. The applicant contends good service, including a combat tour. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

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: Other Specified Anxiety Disorder, IPV.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that there is evidence that the applicant was the victim of IPV in service, and the applicant is service connected by the VA for Other Specified Anxiety Disorder. Service connection establishes that the Other Specified Anxiety Disorder existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of mitigating BH conditions and experiences. There is evidence that the applicant was the victim of IPV in service, and the applicant is service connected by the VA for Other Specified Anxiety Disorder. Given the nexus between Anxiety, IPV, and using substances for self-medication, the wrongful use of marijuana that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After liberal consideration of all evidence, the Board determined that the applicant's behavioral health conditions, including PTSD from IPV, provided sufficient mitigation to outweigh the basis of separation for wrongful marijuana use.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends suffering from in-service sleep apnea, and the condition was not properly treated. The Board considered this contention and acknowledged the documented concern with sleep-related issues, but found that the discharge upgrade was based on broader behavioral health factors, including PTSD from IPV.

(2) The applicant contends at the time of the incident, the applicant had only six months left in service. The Board considered this contention and noted the short time remaining in service, but determined that the discharge upgrade was warranted due to mitigating behavioral health conditions.

(3) The applicant contends good service, including a combat tour. The Board considered this contention and recognized the applicant's honorable service and combat deployment as part of the overall context supporting the discharge upgrade.

d. The Board determined the discharge is inequitable based on the applicant's Behavioral Health history and PTSD from IPV outweighed the THC basis of separation. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

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 upgrade the applicant's characterization of service to Honorable because, after liberal consideration of all evidence, the applicant's behavioral health history, including PTSD from IPV, outweighed the misconduct of wrongful marijuana use.

(3) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts.

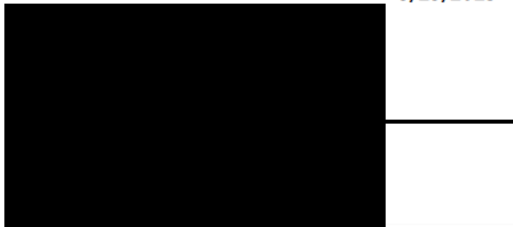
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: 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: AR 635-200

Authenticating Official:

9/29/2025



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
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