

1. Applicant's Name: [REDACTED]**a. Application Date:** 9 August 2022**b. Date Received:** 9 August 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, because the other reasons were not addressed in the discharge hearing or paperwork, the applicant request their post-traumatic stress disorder (PTSD) be taken into consideration. During the applicant's military service, the applicant sought help through different channels and resources on several occasions. The applicant's conditions were left untreated while others were ignored by the leadership and the Behavioral Health staff.

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 applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (PTSD 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 (Serious Offense) / AR 635-200, Paragraph 14-12c / JKQ / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 19 May 2021

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 4 January 2021

(2) Basis for Separation: The applicant was informed of the following reasons: On 24 September 2020, the applicant lied to a senior noncommissioned officer (NCO) by stating the applicant's child tested for COVID-19 because the child had symptoms. On 30 September 2020, the applicant tested positive for marijuana.

(3) Recommended Characterization: Under Other Than Honorable Conditions / The brigade commander recommended a general (under honorable conditions).

(4) Legal Consultation Date: 4 January 2021

(5) Administrative Separation Board:

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(a) On 21 January 2021, the applicant requested consideration of their case by an administrative separation board.

(b) On 8 February 2021, the separation authority referred the case to an administrative separation board.

(c) On 2 March 2021, the applicant received notification to appear before an administrative separation board and was advised of their rights.

(d) On 25 March 2021, the administrative separation board convened, and the applicant appeared with counsel. The administrative separation board determined a preponderance of the evidence did support the reasons in the notification memorandum. It recommended the applicant's discharge with a characterization of service as general (under honorable conditions).

(e) On 3 May 2021, the separation authority approved the administrative separation board's findings and recommendations.

(6) Separation Decision Date / Characterization: 3 May 2021 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. **Date / Reenlistment Under Review:** 26 October 2018 / 6 years

b. **Age at Enlistment / Education / GT Score:** 27 / 1 Year College / 109

c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 91B2O, Wheeled Vehicle Mechanic / 9 years, 6 months, 13 days

d. **Prior Service / Characterizations:** RA, 7 November 2011 – 8 May 2014 / HD
RA, 9 May 2014 – 22 January 2017 / HD
RA, 23 January 2017 – 25 October 2018 / HD

e. **Overseas Service / Combat Service:** Korea, SWA / Afghanistan (1 March 2018 – 18 November 2018)

f. **Awards and Decorations:** ARCOM-CD, AAM-3, MUC, AGCM-2, NDSM, GWOTSM, KD SM, NCOPDR, ASR, OSR, NATOMDL, CAB

g. **Performance Ratings:** 30 December 2017 – 29 December 2018 / Highly Qualified
30 December 2018 – 29 December 2019 / Highly Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of Specimen Custody Document – Drug Testing, 7 October 2020, indicates the applicant tested positive for THC 237 (marijuana) during an Inspection Unit (IU) urinalysis testing conducted on 30 September 2020.

(2) Developmental Counseling Form, 14 October 2020, document instances of the applicant lying to an NCO and testing positive on a urinalysis for marijuana.

(3) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 17 November 2020, indicates the applicant wrongfully used tetrahydrocannabinol between 30 August 2020 and 30 September 2020. The imposed punishment included a reduction to E-4 and 45 days of extra duty and restriction.

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:** Doctor O. G., Neuropsychological Evaluation, 16 February 2021, reflects the applicant was referred for a psychological evaluation for diagnostic clarification and treatment planning. The neuropsychologist recommended the applicant be referred to a psychiatrist for evaluation and treatment and continue with individual psychotherapy. The applicant could have achieved stability within 60 to 90 days, if the applicant could sustain sobriety. The evaluation reflects diagnoses:

- Other specific attention deficit hyperactivity disorder (ADHD), combined type, likely undiagnosed in childhood and amplified by severe sleep deprivation
- PTSD, childhood onset, exacerbated by exposure to combat
- Generalized Anxiety Disorder
- Insomnia disorder
- Obstructive sleep apnea
- Alcohol abuse, severe in early remission
- Marijuana abuse, mild in early remission

(2) **AMHRR Listed:**

(a) Report of Mental Status Evaluation (MSE), 3 November 2020, indicates the applicant was psychiatrically 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. A review of the applicant's medical records shows there was a significant history of Behavioral Health and Family Advocacy appointments and treatment. PTSD and mTBI screenings were conducted. The applicant was diagnosed with adjustment disorder with depressed mood.

(b) Report of Mental Status Evaluation, 27 January 2021, 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 mTBI screenings were conducted. The applicant was diagnosed with adjustment disorder with depressed mood, cannabis use, unspecified, relationship distress with spouse or intimate partner, and other problem related to employment.

(c) The Administrative Separation Board Summary of Proceedings, 25 March 2021, shows a licensed psychologist / clinical neuropsychologist testified at the board. The psychologist indicated the applicant was diagnosed with attention deficit hyperactivity disorder and child onset PTSD, exacerbated by the applicant's exposure to combat. The applicant was struggling with major depression, generalized anxiety, insomnia, obstructive sleep apnea, and a brief period of alcohol and marijuana abuse which were in remission. The applicant requested referral to an off post provider because the applicant did not believe the applicant's needs were not being met. The psychologist further described their opinion regarding the applicant's

behavioral health issues. The board president admitted the neuropsychological evaluation from Doctor G. into evidence.

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

6. POST SERVICE ACCOMPLISHMENTS: None provided 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 3-7a 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 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(b) Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

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 evidence shows the applicant's immediate commander-initiated separation because the applicant lied to a senior NCO and tested positive for marijuana. The company and battalion commanders recommended discharge under other than honorable conditions. The brigade commander recommended discharge with a general (under honorable conditions). The separation authority referred the applicant's case to an administrative separation board, and the board recommended discharge with a general (under honorable conditions). The separation authority approved the administrative separation board's recommendation.

c. The applicant contends:

(1) The applicant's PTSD, depression, and stress were not considered in the separation proceedings. The applicant provided a neuropsychological evaluation, which reflects the applicant was diagnosed with several mental health conditions, including PTSD, ADHD, and generalized anxiety disorder. The applicant's AMHRR shows the applicant underwent two mental status evaluations (MSEs), one on 3 November 2020 and the other on 27 January 2021, which indicate the applicant was mentally responsible and was able to recognize right from wrong. The applicant was diagnosed with adjustment disorder with depressed mood, cannabis use, unspecified, relationship distress with spouse or intimate partner, and other problem related to employment. The administrative separation board proceedings show a neuropsychologist provided testimony regarding the applicant's mental health condition and the neuropsychological evaluation was entered into evidence for consideration by the administrative separation board and the separation authority. The separation authority considered the documents in the AMHRR.

(2) The applicant's leadership and the Behavioral Health staff ignored the applicant's mental health issues. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

(3) The Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Serious Offense)," as the narrative reason for discharge under this provision and assign the separation code "JKQ." 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.

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: PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant is 100% with 70% Service Connected (SC) for PTSD.

(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 asserts that the misconduct was directly related to their mental health conditions including PTSD. In service, the applicant received several iterations of MH and FAP care. They were diagnosed with Adjustment Disorder, Depressive Disorder, unspecified, ADHD, PTSD (childhood onset, exacerbated by exposure to combat), MDD – severe, GAD, Insomnia Disorder, OSA, Alcohol Abuse – Severe, in early remission, and Marijuana Abuse – Mild, in early remission while in service. After service, the applicant is 100% with 70% SC for PTSD. Part of the basis of separation was the applicant lied to an NCO about testing their child for COVID. As the applicant did not suffer from a MH condition that would impact their ability to distinguish right from wrong, this cannot be medically mitigated. However, given the nexus between PTSD, avoidance, using substances as a form of self-medication, and testing positive for THC, the basis of separation is partially mitigated when applying liberal consideration.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that PTSD outweighed the unmitigated false official statement about their child's COVID status.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends their mental health conditions PTSD, depression, and stress were not considered in the separation proceedings. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's drug abuse and false statement offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends leadership, and the Behavioral Health staff ignored the applicant's mental health issues. 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 Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse and false statement offenses.

d. The Board determined the discharge is inequitable based on medical/BH mitigation for the Basis of Separation. The Board voted to upgrade due to this medical mitigation and the applicant's length, combat experience and quality of service. 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 Post Traumatic Stress Disorder outweighed the applicant's misconduct of marijuana abuse and false statement. Thus, the prior characterization is no longer appropriate.

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(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.

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