

1. Applicant's Name: [REDACTED]**a. Application Date:** 17 August 2022**b. Date Received:** 8 September 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 General (Under Honorable Conditions). The applicant requests an upgrade to honorable, a change of their reentry code and the narrative reason for separation.

(2) The applicant, through counsel, seeks relief contending their application for relief is primarily based on matter relating to mental health, including Post Traumatic Stress Disorder (PTSD), depression, and anxiety. A Department of Veterans Affairs (VA) physician found their depression was a consequence of their time in service and the VA awarded them service-connected disability compensation for depression. Their discharge is inequitable because their misconduct mitigates their discharge as it was a direct result of mental health conditions, their mental health conditions and personal problems interfered with their capability to serve and is inequitable when considering their post-service contributions to their community. The discharge was improper because the Army failed to abide by regulations regarding their separation and failed to provide adequate counseling/rehabilitation pursuant to Army Regulation 600-85 (Army Substance Abuse Program (ASAP)).

(3) During their Advanced Individual Training (AIT) and upon being stationed at Fort Hood, TX, they experienced trauma and personal tragedies and consequently developed mental health issues, including a sleeping disorder, major depression, anxiety, and PTSD. Their aunt had unexpectedly passed away and one of their best friends passed away suddenly. Then on 1 November 2014 they were injured after being struck by a drunk driver. They suffered physical injuries, such as spinal compression, pinched nerves and a left hand injury. Despite physical therapy, their injuries did not improve, and the constant pain they experienced from them wore on their body and mental health. As a result of their mental health conditions, they turned to marijuana as a coping mechanism, which led to their separation from the Army on 30 April 2015.

(4) Less than one month later, they filed for service-connected disability compensation for their mental disorders. Despite difficulties, they have become a contributing member of society, for example, they obtained a bachelor of science degree and became a mental health advocate in their community.

(5) The Board should upgrade their discharge under the Department of Defense Kurta memorandum. They had a condition or experience that may excuse or mitigate their discharge, that condition existed/was experienced during their military service, that condition or experience actually excuses or mitigates the discharge, and that condition or experience outweighs their discharge. An upgrade is just when considering their post-service contributions to their community and the Army's failure to abide by its policies and procedures regarding their separation.

b. Board Type and Decision: In a records review conducted on 18 July 2025, and by a 4-1 vote, the Board determined the discharge is inequitable based on the circumstances surrounding the discharge, MDD diagnosis. Therefore, the Board voted to grant relief in the form of an upgrade of 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, and the reenry code to RE-3.

Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 30 April 2015

c. Separation Facts: The applicant's case separation file from their Army Military Human Resource Record (AMHRR) only contains the Separation Authority Memorandum.

(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: NA

(6) Separation Decision Date / Characterization: 10 April 2015 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment: 24 February 2014 / 4 years

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / 999

c. Highest Grade Achieved / MOS / Total Service: E-2 / 88N1O, Transportation Management Coordinator / 1 year, 2 months, 7 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220012139**

(1) A DA Form 3822 (Report of Mental Status Evaluation) dated 26 January 2015 reflects the applicant is fit for full duty, including deployment. Section V (Diagnoses) reflects the applicant's Axis I (Psychiatric Conditions) of "Occupational Problem." The applicant screened negative for PTSD and mild Traumatic Brain Injury. The behavioral health provider commented the applicant was screened for substance use disorder and found moderate drinking without problems and no reported illicit drug use and no current concerns. The applicant is cleared for administrative action as deemed appropriate by Command. The applicant meets retention standards and there is no psychiatric disease or defect that warrants disposition through medical channels.

(2) A memorandum, Headquarters, 310th Sustainment Command (Expeditionary), subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct – Abuse of Illegal Drugs, [Applicant], dated 10 April 2015 reflects the separation authority reviewed the separation packet of the applicant and after careful consideration of all matters directed the applicant be separated from the Army prior to the expiration of their current term of service. They directed the applicant's service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfer requirements they waived the requirements as the transfer will serve no useful purpose or produce a quality Soldier.

(3) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 30 April 2015, with 1 year, 2 months, and 7 days of net active service this period. The DD Form 214 show in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 23 March 2015
- item 18 (Remarks) – in part, – MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)
- 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

j. Behavioral Health Condition(s):

(1) **Applicant provided:** A DA Form 3822 (Report of Mental Status Evaluation) reflecting an Axis I (Psychiatric Conditions) diagnosis of "Occupational Problem."

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Counsel's Brief in Support of Discharge Upgrade due to Equity and Propriety, with 19 exhibits

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. Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to VA determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. 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 DoD Directive 1332.41 and DoD Instruction 1332.28.

d. 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) A 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.

(4) Paragraph 1-16 (Counseling and Rehabilitative Requirements) stated Army leaders at all level must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have potential to serve honorably and well, be given every opportunity to succeed. Commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated. The rehabilitative transfer requirements may be waived by the separation authority in circumstances where common sense and sound judgment indicate that such transfer will serve no useful purpose or produce a quality Soldier.

(5) 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.

(6) 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.

e. 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).

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 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.

g. 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.

h. Manual for Courts-Martial, United States (2012 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 provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation only contains the separation authority memorandum. Their AMHRR does contain a properly constituted DD Form 214. The DD Form 214 indicates the applicant was discharged with a character of service of General (Under Honorable Conditions) for misconduct (drug abuse). They completed 1 year, 2 months, and 7 days of net active service and did not completed their first full term of service of their 4-year enlistment 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. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD or other mental health diagnoses. The applicant provided an DA Form 3822 reflecting a psychiatric condition of "Occupational Problem."

e. 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 diagnosis: Major Depressive Disorder secondary to chronic pain originating in November 2014.

(2) Did the condition exist, or experience occur during military service? **Yes.** Depressive symptoms and chronic pain after MVA in November 2014.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given service connected symptoms originated prior to the misconduct and association between depression, pain, and substance use, the basis is mitigated.

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

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant contends their application for relief is primarily based on matters relating to mental health, including PTSD, depression, and anxiety.

The Board acknowledged this contention and determined that the applicant has a diagnosis of Major Depressive Disorder.

(2) The applicant contends a VA physician found their depression was a consequence of their time in service and the VA awarded them service-connected disability compensation for depression.

The Board determined this contention is valid.

(3) The applicant contends their discharge is inequitable because their misconduct mitigates their discharge as it was a direct result of mental health conditions, their mental health conditions and personal problems interfered with their capability to serve and is inequitable when considering their post-service contributions to their community.

The Board acknowledged this contention and determined that the applicant's diagnosis of Major Depressive Disorder was mitigating and warranted a discharge upgrade.

(4) The applicant contends their discharge was improper because the Army failed to abide by regulations regarding their separation and failed to provide adequate counseling/rehabilitation pursuant to Army Regulation 600-85.

The Board considered this contention and determined that there is insufficient evidence in the applicant's official record or provided by the applicant to prove the applicant was not provided sufficient counseling/rehabilitation resources.

(5) The applicant contends during their AIT and upon being stationed at Fort Hood, TX, they experienced trauma and personal tragedies and consequently developed mental health issues, including a sleeping disorder, major depression, anxiety, and PTSD. Their aunt had unexpectedly passed away and one of their best friends passed away suddenly. Then on 1 November 2014 they were injured after being struck by a drunk driver. They suffered physical injuries, such as spinal compression, pinched nerves and a left hand injury.

The Board discussed this contention during deliberations and determined this contention valid.

(6) The applicant contends despite physical therapy, their injuries did not improve, and the constant pain they experienced from them wore on their body and mental health. As a result of their mental health conditions, they turned to marijuana as a coping mechanism, which led to their separation from the Army on 30 April 2015.

The Board acknowledged this contention and considered the nexus between pain and substance use.

(7) The applicant contends despite difficulties, they have become a contributing member of society, for example, they obtained a bachelor of science degree and became a mental health advocate in their community. An upgrade is just when considering their post-service contributions to their community.

The Board acknowledged the applicant's post service accomplishments.

(8) The applicant contends the Board should upgrade their discharge under the Department of Defense Kurta memorandum. They had a condition or experience that may excuse or mitigate their discharge, that condition existed/was experienced during their military service, that condition or experience actually excuses or mitigates the discharge, and that condition or experience outweighs their discharge.

The Board acknowledged this contention and considered it during proceedings.

d. The Board determined the discharge is inequitable based on the circumstances surrounding the discharge, MDD diagnosis. Therefore, the Board voted to grant relief in the form of an upgrade of 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, and the reenry code to RE-3.

e. Rationale for Decision:

(1) The Board determined the discharge is inequitable based on the applicant's Major Depressive Disorder secondary to chronic pain outweighed the applicant's positive UAs, basis for 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 voted to change the RE Code to RE-3. One Board member voted the discharge was proper and equitable because the applicant tested positive for illegal drugs on two separate occasions, therefore this is not a case of one-time drug use, and the applicant did not possess length, quality or combat service that may mitigate the misconduct.

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

(3) The RE code will change to RE-3.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN**
- d. Change RE Code to: RE-3**
- e. Change Authority to: AR 635-200**

Authenticating Official:

7/31/2025



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