

1. Applicant's Name: [REDACTED]**a. Application Date:** 13 July 2022**b. Date Received:** 27 December 2022**c. Counsel:** [REDACTED]**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, through counsel, requests relief contending their discharge should be upgraded based on their service and Post Traumatic Stress Disorder (PTSD). They served on active duty and received several medals and awards. They deployed to Afghanistan where they received a Combat Infantry Badge for engaging the enemy. They were offered a pain killer from another Soldier. They were numbing themselves and didn't think about the consequences. They were young and no one could tell them anything. They received an Article 15, Uniform Code of Military Justice (UCMJ) for wrongful use of Oxycodone and Oxycodone. By March 2014, they were formally diagnosed with PTSD and started receiving treatment by the Department of Veterans Affairs (VA). Their request warrants an upgrade under the standard mandated by the Hagel Memorandum and they are entitled to "Liberal" consideration due to their PTSD diagnosis as their PTSD should be strongly mitigated by their discharge. Their request for discharge upgrade should be granted on justice and equity grounds based on the totality of their life and circumstances.

c. Board Type and Decision: In a records review conducted on 04 February 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, and the circumstances surrounding the discharge (PTSD diagnoses). 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, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. 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) / Army Regulation 635-200, Paragraph 14-12c(2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 7 August 2013**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 12 June 2013

(2) Basis for Separation: The applicant was informed of the following reasons: wrongfully used oxymorphone between on or about 6 January 2013 and 6 February 2013. Also, wrongfully used oxycodone between on or about 20 February 2013 and 20 March 2013.

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

(4) Legal Consultation Date: 11 July 2013

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 19 July 2013

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 9 October 2012 / 2 years

b. Age at Enlistment / Education / GT Score: 25 / HS Graduate / 105

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11C1O, Indirect Fire Infantryman / 4 years, 10 months, 20 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (15 October 2010 – 4 August 2011)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ), dated 31 May 2013, reflects the applicant received nonjudicial punishment, in that they did, at or near Fort Campbell, KY, between on or about 6 January 2013 and on or about 6 February 2013, wrongfully use Oxymorphone a schedule II controlled substance, in violation of Article 112a, UCMJ; and, in that they did, between on or about 20 February 2013 and on or about 20 March 2013, wrongfully use Oxycodone a schedule II controlled substance, in violation of Article 112a, UCMJ. Their punishment consisted of a reduction in rank/grade from specialist/E-4 to private/E-2, forfeiture of \$849.00 pay for two months and extra duty and restriction for 45 days. The applicant elected not to appeal.

(2) A memorandum, Headquarters, 2nd Battalion, 506th Infantry Regiment (Rear)(Provisional), 4th Brigade Combat Team (Rear)(Provisional), 101st Airborne Division (Air Assault), subject: Administrative Separation Pertaining to [Applicant], Paragraph 14-12c(2), Misconduct (Drug Abuse), dated 12 June 2013, reflects the applicant received notification of the initiation of separation action against them from their company commander for Misconduct (Drug Abuse). The reason for the proposed separation action is as described above in paragraph 3c(2). The company commander recommended the applicant's service be characterized as General (Under Honorable Conditions). On the same date the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(3) On 11 July 2013, the applicant completed their Election of Rights acknowledging they have been advised by their consulting counsel of the basis for the contemplated action to separate them for Misconduct (Drug Abuse) and its effects; of the rights available to them, and of the effect of any action by them in waiving their rights. They understood they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) discharge is issued to them. They understand that if they are subject to the issuance of a discharge Under Other Than Honorable Conditions, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They requested consulting counsel and elected to submit statements in their own behalf. In their statement they requested their discharge be characterized as honorable. They asked for consideration of their past service and commitment to the U.S. Army when deciding an honorable discharge. They attached copies of their achievements and evaluations, to demonstrate their past character and performance, as well as their potential. A 3rdParty Character Letter from their squad leader attests to the applicant as being a Soldier they can count on to accomplish any task or mission and the applicant is deserving of an honorable discharge.

(4) A memorandum, Headquarters, 2nd Battalion, 506th Infantry Regiment (Rear)(Provisional), 4th Brigade Combat Team (Rear)(Provisional), 101st Airborne Division (Air Assault), subject: Commander's Report – Paragraph 14-12c(2), Misconduct (Drug Abuse), dated 12 July 2013, reflects the applicant's company commander recommended the applicant be separated from the Army prior to the expiration of their current term of service. The company commander states the applicant previously received a Field Grade Article 15 imposed on 4 January 2012 for violation of Article 112a, UCMJ. Their punishment consisted of a reduction in rank/grade from specialist/E-4 to private first class/E-3, forfeiture of \$990.00 pay for two months and extra duty and restriction for 45 days. The applicant was reduced to the rank of private first class/E-3 on 18 January 2012 and again promoted to specialist/E-4 on 19 September 2012. The company commander does not consider it feasible or appropriate to accomplish other disposition as it is not feasible and appropriate to expend any further time or effort towards rehabilitating this Soldier to an acceptable level of performance and conduct. Disposition by any other means would not be in the best interest of the U.S. Army.

(5) A memorandum, Headquarters, 4th Brigade Combat Team (Rear)(Provisional), 101st Airborne Division (Air Assault), 506th Infantry Regiment (CURRAHEE), subject: Administrative Separation Pertaining to [Applicant], Paragraph 14-12c(2), Misconduct (Drug Abuse), dated 19 July 2013, reflects the separation authority reviewed the applicant's separation packet and directed the applicant be separated from the Military Service. They directed the applicant receive a General (Under Honorable Conditions) characterization of service.

(6) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects they were discharged on 7 August 2013, with 4 years, 10 months, and 20 days of net active service this period. The DD Form 214 show in –

- 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:** 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: VA Progress Notes reflecting diagnoses of PTSD, Alcohol Use Disorder and Opioid Use Disorder; and a VA Decision Letter reflecting an evaluation of PTSD and Alcohol Abuse Disorder with Traumatic Brain Injury (TBI), currently rated as 70-percent disabling.

(2) AMHRR provided: DA Form 3822 (Report of Mental Status Evaluation) reflecting a psychiatric condition of Opioid Abuse.

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with statement
- Counsel’s Letter
- Counsel’s Brief in Support of Applicant’s Discharge Upgrade
- Army Service Center Letter with excerpts of AMHRR documents
- VA Progress Notes and Consult Requests
- County Crisis Evaluation
- VA Decision Letter

6. POST SERVICE ACCOMPLISHMENTS: None submitted with 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, Title 10 U.S. Code 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), dated 25 September 2019, 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 waivable and nonwaivable 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 waivable. Eligibility: Ineligible unless a waiver is granted.

- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 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. It states:

(a) 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) 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 (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.

(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

(4) 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).

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. A review of the available evidence reflects as the applicant tested positive for marijuana, was found guilty in a Summary Court-Martial for violations of Article 90 (Willfully disobeying superior commissioned officer), Article 92 (Failure to obey order, regulation) and was involuntarily discharged from the U.S. Army. Their DD Form 214 provides they were discharged with a character of service of General (Under Honorable Conditions) for misconduct (drug abuse). They completed 2 years, 9 months, and 1 day of net active service and did not complete their first full term of service of their 3-year, 18-week 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.

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: Opioid Dependence, PTSD

(2) Did the condition exist, or experience occur during military service? **Yes.** Opioid Dependence, anxiety, combat trauma.

(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 the trauma occurred prior to the positive UAs and nexus between trauma and substance abuse, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** after applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's PTSD outweighed two positive UAs for drugs.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends their request for discharge upgrade should be granted on justice and equity grounds based on the totality of their life and circumstances. The applicant contends they served on active duty and received several medals and awards. They deployed to Afghanistan where they received a Combat Infantry Badge for engaging the enemy. 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 use of controlled substances offense.

(2) The applicant contends they were offered a pain killer from another Soldier. They were numbing themselves and didn't think about the consequences. They were young and no one could tell them anything. They received an Article 15, Uniform Code of Military Justice (UCMJ) for wrongful use of Oxymorphone and Oxycodone. Their request warrants an upgrade under the standard mandated by the Hagel Memorandum, and they are entitled to "Liberal" consideration due to their PTSD diagnosis as their PTSD should strongly mitigate their discharge. 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 use of controlled substances offense. Therefore, a discharge upgrade is warranted.

d. The Board determined the discharge is inequitable based on medical/BH mitigation for the BoS. In addition, the command deliberately failed to support ASAP and additional recovery/rehabilitative measures that should have been procedurally offered considering the applicant's length, combat experience and quality of service. Based on this inequity, the Board voted to upgrade the applicant's discharge.

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 illegal use of oxymorphone and oxycodone. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Secretarial Authority under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

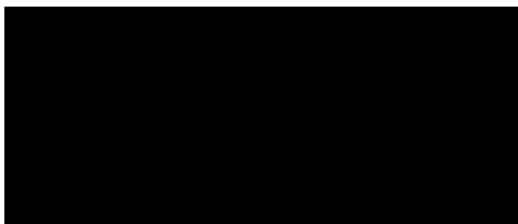
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes.
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Secretarial Authority / JFF
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, Ch 15

Authenticating Official:

2/10/2026



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