

**1. Applicant's Name:** [REDACTED]

a. **Application Date:** 3 November 2022

b. **Date Received:** 16 November 2022

c. **Counsel:** None

**2. Request, Issue, 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 change of their separation code, reentry code and the narrative reason for separation.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending they did not knowingly ingest cocaine. They took three polygraphs, one of which they paid for themselves. The licensed forensic polygraph examiner's professional opined that after a careful review of the polygraph charts there was a non-deceptive result to the relevant specific issue questions. Two U.S. Army Criminal Investigation Command (CID) polygraphs were inconclusive. It is unfair for them to have this stigma attached to their service for something they didn't do. They want to become a clinical psychologist and help Soldiers and veterans. They want to heal and move on by going to school and healing others.

c. **Board Type and Decision:** In a records review conducted on 26 February 2026, and by a 3-0 vote, the Board voted to upgrade due to the applicant's length, overseas experience, quality of service, and severity of punishment for one-time use. 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, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was improper and voted to change it to RE3. 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:** 28 February 2022

c. **Separation Facts:** The applicant's case separation file is void from the Army Military Human Resource Record (AMHRR); however, the applicant provided their case separation files. The information in 3c(1) through (6) were derived from those documents.

(1) **Date of Notification of Intent to Separate:** 22 October 2021

(2) **Basis for Separation:** The applicant was informed of the following reason: between on or about 23 January 2021 and 25 January 2021, wrongfully used Cocaine.

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

(4) **Legal Consultation Date:** 17 December 2021

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

(6) **Separation Decision Date / Characterization:** NIF

**4. Service Details:**

a. **Date / Period of Enlistment Under Review:** 30 January 2018 / 6 years

b. **Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 86

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 68E1O, Dental Specialist / 4 years, 1 month, 1 day

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** Korea / None

f. **Awards and Decorations:** ARCOM, AAM-2, AGCM, NDSM, GWTSM, KD SM, ASR, OSR

g. **Performance Ratings:** None

h. **Disciplinary Action(s) / Evidentiary Record:** [as provided by the applicant]

(1) A memorandum, U.S. Army Criminal Investigation Command, Fort Sill CID Office, subject: Law Enforcement Report – Initial, dated 5 April 2021, reflects the applicant as the named subject with the offense shown as Wrongful Use of Cocaine – Detected by Urinalysis (Article 112a, Uniform Code of Military Justice (UCMJ)). The Report Summary reflects the CID office was notified by the Drug Testing Coordinator, Army Substance Abuse Program that the applicant's urine tested positive for cocaine during a random urinalysis conducted on 25 January 2021. The applicant's commander stated the applicant had a permanent change of station to Fort Bragg, NC. The applicant departed Fort Sill, prior to the test results. Coordination with the Fort Bragg Drug Suppression Team was completed and they will assume investigative responsibility upon the arrival of the applicant at Fort Bragg.

(2) Two DA Forms 4856 (Developmental Counseling Form) dated 28 April 2021 reflects the applicant receive counseling with the notification of suspension of favorable personnel actions – Drug Abuse Adverse Action and to review the actions that must be taken due to the applicant's alleged violation of the Army Substance Abuse Program. The applicant agreed with the information, commented – “If I am pending disciplinary action, I understand that I have the right to consult with legal counsel and I do NOT have to say anything. I also understand I may ask for substance abuse treatment without admitting guilt for any specific incident,” and signed the counseling form.

(3) A Computerized Polygraph Examination dated 18 June 2021 reflects the certified polygraph examiner opined that after a careful review of the Polygraph charts that there was non-deceptive result to the relevant specific issue questions. The applicant stated they are willing to submit to the exact same polygraph examination for the military to prove they never knowingly used any type of cocaine since being in the military.

(4) A memorandum, 12th Military Police Detachment (CID), subject: Polygraph Examination Report, dated 10 August 2021, reflects Observations – unusual

physiological/psychological reactions were not observed during these examinations. The examiner's conclusion, an analysis of the polygraphs collected, determined that insufficient criteria was present to form a conclusive decision regarding the truthfulness of the applicant. Additional polygraph testing was deemed necessary, which the applicant agreed to, and was rescheduled for 9 August 2021. A post-instrument interview was not conducted as the applicant had retained legal counsel in this matter.

(5) A memorandum, U.S. Army Dental Activity, subject: Separation under Army Regulation 635-200, Paragraph 14-12c(2), Misconduct-Abuse of Illegal Drugs, [Applicant], undated, reflects the applicant received notification of the initiation of separation action from their commander for Misconduct – Abuse of Illegal Drugs. The reason for their proposed action is, between on or about 23 January 2021 and 25 January 2021, wrongfully used Cocaine. The commander recommended the applicant receive a General (Under Honorable Conditions) discharge. On 22 October 2021, the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(6) A memorandum, Trial Defense Service, Fort Bragg Field Office, subject: Election of Rights under Army Regulation 635-200, [Applicant], dated 17 November 2021, reflects the applicant was consulted regarding their administrative separation. The applicant elected to submit statements on their behalf.

(7) A memorandum, Headquarters, 3rd Special Forces Group (Airborne), subject: Attorney Memorandum – [Applicant], dated 17 December 2021, Senior Defense Counsel states a general (under honorable conditions) discharge is the worst outcome for the applicant. The applicant turned down their Article 15 and wanted a Court-Martial to prove their innocence. They were not given the ability to prove their innocence. The administrative separation system in this case will for all intents and purposes convict an innocent person. The applicant did not knowingly and wrongfully use cocaine. They passed a civilian polygraph. The two CID polygraphs were inconclusive, however, the CID polygrapher stated that they was very close to being found truthful. The applicant is willing to face the possibility of a federal conviction in order to prove their innocence. No evidence has been presented that the applicant “knowingly” used cocaine nor that the use was “wrongful.” The only evidence is a positive drug test.

(8) In the applicant's memorandum, subject: Chapter Rebuttal Matters – Personal Statement of [Applicant], dated 19 December 2021, the applicant respectfully request to be separated with an honorable discharge. They did not knowingly ingest cocaine. They have character statements that describe their outstanding character. Their civilian polygraph concluded there was a non-deceptive result to the relevant specific issue questions listed. They took two CID polygraphs which determined that insufficient criterial was present to form a conclusive decision regarding their truthfulness. Although the polygraphs have different results, one thing they have in common, they do not state they were being untruthful. They are a good Soldier and they no longer want to be in the Army due to this incident. The felt betrayed by the only thing they could do well, the Army. It has affected their mental health.

(9) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 28 February 2022, with 4 years, 1 month and 1 day of net active service this period. The DD Form 214 show in –

- item 13 (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:** 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:** None

**5. Applicant Provided Evidence:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with letter
- excerpts of their Military Service Record

**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, 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), 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 195-6 (Department of the Army (DA) Polygraph Activities) contains policies and procedures for using the polygraph in the DA. It prescribes the authority for conducting polygraph examinations within DA. Army investigations depend on relevant evidence secured through skillful investigation and interrogations. The polygraph is a useful investigative aide to secure and verify evidence. It will be used only as an aid in support of other investigative means. Use of the polygraph is not necessarily the final action of an investigation. Only polygraph examinations conducted by Federal agencies or conforming to Department of Defense standards will be used in official Department of Defense proceedings.

**g.** 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

**h.** 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 14-12c(2), misconduct (drug abuse).

**8. Summary of Facts:** 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 change of their separation code, reentry code and the narrative reason for separation. 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 provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation in not in evidence. The applicant provided documents reflecting their separation for wrongful use of Cocaine. Their DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse), with a characterization of service of General (Under Honorable Conditions). The applicant completed 4 years, 1 month and 1 day of net active service this period and did not complete their first full term of service of their 6-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 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. Characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate.

## **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? **No.** The Board's Medical Advisor, reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends they did not knowingly ingest cocaine. The applicant contends they took three polygraphs, one of which they paid for themselves. The licensed forensic polygraph examiner's professional opinion that after a careful review of the polygraph charts there was a non-deceptive result to the relevant specific issue questions. Two CID polygraphs were inconclusive. The Board considered this contention and determined that the discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

(2) The applicant contends it is unfair for them to have this stigma attached to their service for something they didn't do. The board considered this contention and voted to upgrade due to the applicant's length, overseas experience, quality of service, and severity of punishment for one-time use.

(3) The applicant contends they want to become a clinical psychologist and help Soldiers and veterans. They want to heal and move on by going to school and healing other. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare, or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

d. The Board determined the applicant's discharge was inequitable. The board voted to upgrade due to the applicant's length, overseas experience, quality of service, and severity of punishment for one-time use. 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 214 changing the separation authority to AR 635-200, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was improper and voted to change it to RE3.

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 an upgrade to Honorable.

(3) The Board voted to change the applicant's reason for discharge Misconduct (Minor Infractions), and the separation code to JKN.

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

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

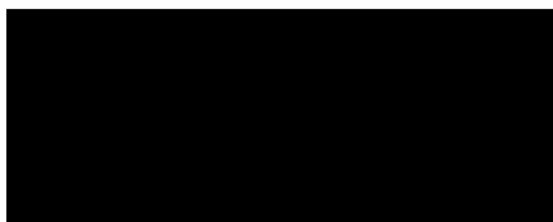
**AR20230002510**

**10. Board Action Directed:**

- a. Issue a New DD Form 214 / Separation Order: 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:**

3/11/2026



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