

**1. Applicant's Name:**

- a. **Application Date:** 14 July 2023
- b. **Date Received:** 14 July 2023
- c. **Counsel:** Yes

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. **Applicant's Requests and Issues:** 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, as well as their separation and reentry codes changed.

b. **Counsel states.** The applicant seeks relief contending, they suffered through mental health issues, including excessive anxiety and stress, which required medical treatment through a clinical psychologist. Prior to enlisting in the U.S. Army, they completed a chemical dependency rehabilitation program for six months. Upon entering the service, the challenges of adapting to military service brought upon extreme stress and anxiety. The applicant alerted their chain-of-command of their having used marijuana to alleviate the stressors of service. They self-enrolled in the Army Substance Abuse Program (ASAP) for 90 days and was subsequently discharged, while enrolled in ASAP, due to a urinalysis test failure.

(1) The applicant was failed by their leadership and subsequently discharged due to an undiagnosed medical condition. Their leadership stated during discharge: "You're not a bad Soldier, this is just what we have to do" (1SG). "There's more to life than the Army" (PSG). Their leadership failed to look for the root cause of the applicant's issues and provide the necessary mental health resources needed to adjust to military life. The applicant's leadership had them take a urinalysis, even though they had only recently self-enrolled in ASAP. The positive test resulted in discharge from the Army.

(2) The applicant has been under the care of a mental health professional (see exhibit A) from 2018 to present. The provider testifies to the "credibility, wisdom, and good character" of the applicant and further testifies to their "maturity and stability". The applicant continues their rehabilitation through treatment from the provider, as needed when stressors arise. They have been completely drug-free since 2021.

(3) Upon discharge from the Army, the applicant spiraled out of control and almost lost to their family. Their family traveled from Florida to Missouri and found the applicant living in squalor in the local Fort Leonard Wood area. With the love and support of the applicant's family, the applicant was recovered and was able to slowly rebuild their life. The applicant is now enrolled in a technical school and pursuing their professional certification in welding. They moved back to the Fort Leonard Wood area to be close to their three-year old child, to be a part of their life and gained partial custody of their child and is an active parent in their life.

(4) The applicant comes from a long-standing family tradition of service to the community and the nation. Their grandfather served three years in the Army during

Vietnam, an uncle served 4 years in the Navy during the Gulf War, and an uncle has served in the Army for 24 years. Their brother was a combat medic in the Army for 6 years and served in Afghanistan. Both of the applicant's parents are retired police officers with over 25 years of service. The applicant would like the opportunity to continue their Army service through the adjustments requested to the Army Discharge Review Board. Their goals include joining in a reserve capacity and retiring as a senior noncommissioned officer.

**c. Board Type and Decision:** In a telephonic personal appearance hearing conducted on 15 April 2024, and by a 4-1 vote, the Board denied the request upon finding the separation was both proper and equitable.

*Please see Section 10 of this document for more detail regarding the Board's decision.*

*(Board member names available upon request)*

### 3. DISCHARGE DETAILS:

**a. Reason / Authority / Codes / Characterization:** Drug Rehabilitation Failure / AR 635-200, Chapter 9 / JPC / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 11 May 2018

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 18 April 2018

**(2) Basis for Separation:** Army Substance Abuse Program (ASAP)  
Rehabilitation Failure

**(3) Recommended Characterization:** Honorable

**(4) Legal Consultation Date:** Waived on 18 April 2018

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

**(6) Separation Decision Date / Characterization:** 20 April 2018 / General  
(Under Honorable Conditions)

### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 17 January 2017 / 3 years, 19 weeks

**b. Age at Enlistment / Education / GT Score:** 22 / High School Diploma / 117

**c. Highest Grade Achieved / MOS / Total Service:** E-3 / 12C10 Bridge  
Crewmember / 1 year, 3 months, and 25 days

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

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

**f. Awards and Decorations:** NDSM, GWOTSM, ASR

**g. Performance Ratings: NA****h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** On 17 January 2017, the applicant enlisted in the Regular Army for 3 years and 19 days as a PVT. The Enlisted Record Brief provides they promoted up to PFC (1 January 2018) and was flagged, Suspend Favorable Personnel Actions (FLAG), on 3 April 2018, for involuntary separation (BA).

**(2)** On 3 April 2018, the company commander counseled the applicant providing, the applicant self-referred to the Fort Leonard Wood Substance Abuse Disorder Clinical Care (SUDCC) and was evaluated and enrolled in outpatient SUDCC on 9 January 2018. Based on the applicant's admission of ongoing cannabis use during their SUDCC outpatient enrollment and following a positive medical urinalysis on 2 March, IAW AR 600-85, the applicant was informed they were flagged and being recommended for separation. The applicant agreed with the counseling and did not provide a statement on their behalf.

**(3)** On 12 April 2018, the applicant completed their medical history and exam for their pending separation at General Leonard Wood Army Community Hospital (GLWACH)/Victory Clinic, MO, which provides the following:

**(a)** Their history, block 29 lists the following explanations of "yes" answers:

- 10f: had bronchitis
- 11f: [they] wear glasses
- 12i: [their] knee chronically hurts
- 12l: broken hand
- 12n: broken knuckle
- 14c: good health
- 20: broken bones

**(b)** Their history, block 30a provides the examiner's notes:

- 10f: history of bronchitis, treated, resolved
- 11f: has corrective lenses
- 12i: history of left knee pain, has not been evaluated. F/U with PCM for initial eval
- 12l: right distal 2nd metacarpal fracture-has been evaluated and has seen Ortho.
- 12n: right distal 2nd metacarpal fracture-has been evaluated and has seen Ortho; currently on temp profile
- 14c: see patient comments
- 20: see patient comments

**(c)** The applicant was seen for their medical examination and determined to be qualified for service. The provider indicated their right 2nd metacarpal fracture has been evaluated and recommends the applicant to follow up with their primary care manager (PCM) or Ortho as directed for their hand fracture.

**(4)** Although undated, the company commander notified the applicant of their intent to initiate separation proceedings under provisions of AR 635-200, Chapter 9, Alcohol Rehabilitation Failure and recommended an Honorable characterization of

service.

(a) On 18 April 2018, the applicant acknowledged receipt of their separation notice, waived their right to consult with defense counsel, and elected not to submit a statement on their behalf.

(b) On 20 April 2018, the appropriate separation authority approved the discharge and directed the applicant be separated, with a characterization of General (Under Honorable Conditions).

(5) On 7 May 2018, their separation orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 14 May 2018, with a General (Under Honorable Conditions) characterization of service, after having served for 1 year, 4 months, and 16 days and without completion of their first full term of service.

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** On 26 March 2024, the Psychologist provides the applicant has been under their care since 15 January 2020, and has seen them for psychotherapy 62 times (mostly for two hour sessions). As their life evolved, the applicant sought wisdom from within themselves. After their abrupt dismissal from the Army, a career the applicant dreamed would be the foundation of their life, their confidence was shaken. The applicant has persistently sought balance and clarity, a true sign of their emotional and intellectual intelligence. The Psychologist has witnessed their evolvment and can assure the both the applicant's credibility and good character. Presently, the applicant has chosen a career and is adjusting to be a single father to their only child. They have restored self-confidence and determination to be a successful person.

(2) **AMHRR Listed:** On 3 April 2018, the applicant completed a mental status examination at GLWACH Mental (Behavioral) Health, MO, conducted by a Behavioral Health Provider, indicating the applicant was enrolled in the SUDCC outpatient services on 9 January 2018, and diagnosed with cannabis use disorder, severe. Treatment recommendations included continued substance abuse outpatient treatment and AA attendance. The applicant will have regular RO testing with their unit and random testing conducted with SUDCC. The applicant's admission of ongoing cannabis use during their SUDCC outpatient enrollment, following a positive medical urinalysis on 2 March, . This is based on AR 600-85, Section II Separation actions, page 67, paragraph 10-6 (a), Soldiers determined by the commander as a rehabilitation failure, as determined in paragraph 8-13, will be processed for separation in accordance with separation regulations; in addition, the applicant is allowed to remain in substance abuse treatment until which they may be separated from the Army. The applicant will be provided transition services assistance upon separation from the military.

**5. APPLICANT-PROVIDED EVIDENCE:** Online ACTS application; Psychologist Letter

**6. POST SERVICE ACCOMPLISHMENTS:** As written by their Psychologist, as their life evolved, the applicant sought wisdom from within themselves. The applicant has persistently sought balance and clarity, a true sign of their emotional and intellectual intelligence. The Psychologist has witnessed their evolvment and can assure the both

the applicant's credibility and good character. Presently, the applicant has chosen a career and is adjusting to be a single father to their only child. They have restored self-confidence and determination to be a successful person.

## **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.** Multiple Department of Defense 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 Department of Veterans Affairs (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), 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.

**d.** Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

**(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)** An Under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

**(4)** Chapter 9 provides the authority and outlines the procedures for discharging Soldiers for alcohol or other drug abuse rehabilitation failure. Discharge is based upon alcohol or other drug abuse such as illegal, wrongful, or improper use of any controlled substance, alcohol, or other drugs when the soldier is enrolled in Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) or when the commander determines that further rehabilitation efforts are not practical, rendering the soldier a rehabilitation failure. This determination will be made in consultation with the rehabilitation team. When the commander determines that a soldier who has never been enrolled in ADAPCP lacks the potential for further useful service, the soldier will be screened per AR 600-85. If found non-dependent, the soldier will not be rehabilitated but will be considered for separation under other appropriate provisions of this regulation. Separations for alcohol abuse rehabilitation failure will be reported separately from separations for drug abuse rehabilitation failure. If separation is based on both, the primary basis will be used for reporting purposes.

**(5)** A Soldier who is enrolled in the Alcohol and Drug Abuse Prevention and Control Program (ADADPCP) for alcohol/drug abuse may be separated because of their inability or refusal to participate in, cooperate in, or successfully complete such a program in one of the following circumstances:

- There is a lack of potential for continued Army service and rehabilitation efforts are no longer practical
- Long term rehabilitation is necessary, and the Soldier is transferred to a civilian medical facility for rehabilitation

**(6)** 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.

**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 "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).

**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:

**(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)), provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. 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.

(1) 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.

(2) ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

(3) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

h. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered, medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

**8. SUMMARY OF FACT(s):** 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, as well as their separation and reentry codes changed. 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 the applicant enlisted in the Regular Army, promoted to PFC, and served for 1 year, 2 months, and 16 days, prior to their having been flagged for involuntary separation. They were self-referred and enrolled to SUDCC outpatient services, and diagnosed with cannabis use disorder, severe. The applicant's admission of ongoing cannabis use during their SUDCC outpatient enrollment, following a positive medical urinalysis deemed the applicant a rehabilitation failure IAW AR 600-85, and once determined by the commander, was processed for separation under the provisions AR 635-200, Chapter 9, Drug Rehabilitation Failure. In addition, the applicant was allowed to remain in substance abuse treatment until their



separation from the Army, and further provided transition services assistance after their separation from the military.

(1) The applicant received a medical examination was determined to be qualified for service, with the provider noted their right 2nd metacarpal fracture, has been evaluated and recommends the applicant to follow up with their primary care manager (PCM) or Ortho as directed for their hand fracture.

(2) They served for 1 year, 3 months, and 25 days of their 3 year, 19 week contractual obligation.

(3) Chapter 9 establishes policy and prescribes procedures for members being separated for alcohol or other drug abuse rehabilitation failure. The service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. The separation authority will approve separation in cases processed without an administrative board if the documentation in the file indicates required rehabilitative efforts have been made, further rehabilitative efforts are not practical, rendering the soldier a rehabilitation failure, and the soldier's potential for fully effective service is substantially reduced by alcohol/drug abuse.

(4) 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. DOCUMENTS / TESTIMONY PRESENTED DURING PERSONAL APPEARANCE:** In addition to the evidence in the record, the Board carefully considered the additional document(s) and testimony presented by the applicant at the personal appearance hearing.

**a. The applicant submitted the following additional document(s):** None

**b. The applicant presented the following additional contention(s):** Applicant, character witness, and counsel provided oral arguments in support of the contentions they provided in their written submissions and in support of their documentary evidence.

**c. Counsel / Witness(es) / Observer(s):** Mr. S. A. (counsel) Ms. C.R. (witness)

**10. 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. Response to Contention(s):**

**(1)** Through counsel, the applicant seeks relief contending, suffered through mental health issues, including excessive anxiety and stress, which required medical treatment through a clinical psychologist. The Board considered this contention and determined there is insufficient evidence in the applicant's file to support the applicant has any mitigating BH conditions that could excuse or mitigate the applicant's drug rehabilitation failure basis for separation. The applicant's file does not have documentation to support the applicant had an experience that may outweigh the discharge; thus, the discharge is proper and equitable.

**(2)** Through counsel, the applicant contends, being failed by leadership and subsequently discharged due to an undiagnosed medical condition. The Board considered this contention and determined there is no documentation in the applicant's file to support the chain of command failed to lead the applicant. The applicant's file does not have documentation to support the applicant had an experience or BH condition that may outweigh or mitigate the discharge; thus, the discharge is proper and equitable.

**(3)** The applicant, through counsel contends, having been under the care of a mental health professional (see exhibit A) from 2018 to present. The provider testifies to the "credibility, wisdom, and good character" of the applicant and further testifies to the "maturity and stability". The applicant continues with rehabilitation through treatment from the provider, as needed when stressors arise. Applicant has been completely drug-free since 2021. The Board considered this contention and determined there is insufficient evidence to conclude the applicant has a BH condition that would mitigate the applicant's drug rehabilitation failure basis for separation. The discharge is proper and equitable.

**(4)** The applicant, through counsel contends, upon discharge from the Army, the applicant spiraled out of control and almost lost to family. The applicant is now enrolled in a technical school and pursuing a professional certification in welding. The applicant moved back to the Fort Leonard Wood area to be close to applicant's three-year old child, to be a part of the child's life and gained partial custody of the child and is an active parent in the child's life. The Board considered this contention and determined that the applicant's enrollment in a technical school and pursuing a professional certification in welding and having gained partial custody of the child and is an active parent in the child's life do not outweigh the misconduct based on the applicant's offense of drug rehabilitation failure.

**(5)** Through counsel, the applicant contends, wanting an opportunity to continue Army service through the adjustments requested to the Army Discharge Review Board. Applicant's goals include joining in a reserve capacity and retiring as a senior noncommissioned officer. The Board considered this contention and determined that a change to the applicant's characterization of service/RE code is not warranted as the applicant as not satisfied the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable. In light of the current evidence of record, the Board determined

the applicant's discharge was appropriate.

(6) The Psychologist contends, the applicant has been under their care since 15 January 2020, and has seen them for psychotherapy 62 times (mostly for two hour sessions). The Board considered this contention and the applicant's assertion of behavioral health condition; however the Board could not determine whether the applicant's asserted behavioral health condition actually outweighed the applicant's drug rehabilitation failure without the Board Medical Advisor determination on medical mitigation. Without additional medical evidence, the Board was unable to determine if the applicant's asserted behavioral health condition outweighed the applicant's discharge.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's BH condition did not excuse or mitigate the offenses of Drug Rehabilitation Failure. 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. Therefore, the applicant's General discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

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

**11. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214 / Separation Order:** No
- b. Change Characterization to:** No Change
- c. Change Reason / SPD code to:** No Change
- d. Change RE Code to:** No Change
- e. Change Authority to:** No Change

**Authenticating Official:**

**X**

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

**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

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