

**1. Applicant's Name:**

- a. **Application Date:** 30 July 2023
- b. **Date Received:** 14 September 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 through counsel, requests an upgrade to honorable, and changes to the SPD code, RE code to 1, and the narrative reason to Secretarial Authority. Also, removal of derogatory information from the applicant's record.

**b.** The applicant through counsel seeks relief contending, in effect, the discharge is inequitable and has served its purpose. There is a procedural defect in this case that needs to be addressed. A hasty command-initiated request for separation occurred without sufficient consideration for the applicant's situation. The applicant thought they was taking supplements for enhancing physical performance and was unaware that the supplements were steroids which led to a positive result in a urinalysis test. The applicant, a dedicated combat engineer, was completely unaware of any misconduct on their part and was denied rehabilitation. According to the guidelines in Army Regulation 635-200, Chapter 10, paragraph 10-4b, it is crucial to evaluate the soldier's potential for rehabilitation and conduct a thorough review of their entire record before any action is taken. (Analyst notes - the applicant was separated under AR 635-200, chapter 14-12c (2), Misconduct (Drug Abuse)). The applicant did not exhibit a pattern of misconduct; rather, this was an isolated and naïve infraction that occurred. The applicant had an illustrious career, including receiving awards. The applicant has a stabilizing and immensely fulfilling life while earnestly receiving comprehensive treatment for mental health issues.

**c. Board Type and Decision:** In a personal appearance conducted on 11 March 2024, and by a 5-0 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:** Misconduct (Drug Abuse) / AR 635-200, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 14 November 2017

**c. Separation Facts:**

(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:** 18 September 2017 / General  
(Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 31 January 2017 / 3 years

**b. Age at Enlistment / Education / GT Score:** 19 / GED / 110

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 12B10, Combat Engineer /  
3 years, 9 months, and 24 days

**d. Prior Service / Characterizations:** RA, 21 January 2014 - 30 January 2017 / HD

**e. Overseas Service / Combat Service:** SWA / Kuwait (3 March 2017 - 17 October 2017)

**f. Awards and Decorations:** AGCM, NDSM, GWOTEM, ASR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** A DA Form 4833 (Commander Report of Disciplinary or Administrative Action), shows the applicant was referred on 26 September 2017 for Wrongful Possession of Other Drugs and Wrongful Use of Other Drugs Not Detected by Urinalysis on 5 May 2017. This report shows the applicant received a FG Article 15 on 26 August 2017. The punishment consisted of reduction from E-4 to E-1; forfeiture of pay (maximum allowable); and extra duty for 45 days. A bar to continued service was imposed, however the applicant appealed it and was awaiting review by the brigade commander.

**(2)** A CID Memorandum, subject: Law Enforcement Report - 1st Corrected Final, 13 October 2017, shows an investigation established the applicant committed the offense of Wrongful Use and Possession of a Schedule III Controlled Substance. The applicant waived their rights and admitted to purchasing and consuming illegal steroids.

**(3)** Orders 303-0149, 30 October 2017, shows the applicant was to be reassigned to the U.S. Army Transition Point and discharged on 14 November 2017 from the Regular Army.

**(4)** The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), shows the applicant completed the first full term of service. The applicant was discharged on 14 November 2017 under the authority of AR 635-200, paragraph 14-12c (2), with a narrative reason of Misconduct (Drug Abuse) and a general (under honorable conditions) characterization of service. The DD Form 214 was authenticated with the applicant's electronic signature.

**(5)** The applicant's Enlisted Record Brief (ERB), 15 November 2015, shows the applicant was flagged for involuntary separation/field initiated (BA), effective 1 September 2017; was ineligible for reenlistment due to pending separation (9V). The Assignment Eligibility

Availability code reflects the applicant was Stabilized OCONUS deploy and/or redeploy 61 or more consecutive days. The applicant was reduced from E-4 to E-1 effective 26 August 2017.

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

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

**(1) Applicant provided:** None

**(2) AMHRR Listed:** None

*The ARBA's medical advisor reviewed DoD and VA medical records.*

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 293; Legal Brief; DD Form 214; four character references/letter of support; Army Discharge Review Board Case Report and Directive (AR20200009277); Letter of Authorization for contract position; and email.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant deployed as a civilian contractor to Poland to support Remote Distribution Center - Ukraine.

**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), 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 600-85 (The Army Substance Abuse Program (ASAP)) provides comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers of all components, Army civilian corps members, and other personnel eligible for ASAP services. Paragraph 7-9 (Command responsibilities for referring Soldiers) states:

**(1)** When Soldiers are identified as probable alcohol or other drug abusers the unit commander or designated representative must -

**(a)** Coordinate with law enforcement about whether the commander or designated representative should conduct the initial interview of the alcohol or drug abuser.

**(b)** When the unit commander believes the Limited Use Policy applies, the unit commander should consult with the Alcohol Drug Control Officer and supporting legal advisor. The unit commander may then explain the Limited Use Policy, if applicable to the particular circumstances.

**(c)** If law enforcement does not initiate an investigation, the commander may wish to investigate suspected misconduct through a commander's inquiry, AR 15-6 investigation, or other appropriate method after consulting with the legal advisor.

**(2)** The unit commander will refer individuals suspected or identified as alcohol and/or other drugs abusers, including those identified through drug testing (except those determined to be legitimate medical use by the medical review officer) and/or blood alcohol tests, to the ASAP

counseling center for screening. Soldiers impaired by alcohol as described in paragraph 3-2 of this regulation while on duty will be referred to the ASAP counseling center for the initial evaluation. Soldiers who are referred by the unit commander for evaluation, regardless of the means of identification, will be referred using DA Form 8003 (ASAP Enrollment), which the commander must sign.

**(3)** Positive drug test results for illicit use and law enforcement citations for alcohol and other drug abuse are identification sources that require mandatory referral to the ASAP counseling staff. Commanders must refer Soldiers who receive such drug test results or legal citations within 5 duty days of receipt of the notification.

**e.** Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

**(1)** Paragraph 1-32, Medical examinations and mental status evaluations conducted by a psychologist, or master-level, licensed clinical social worker, are required for Soldiers being processed for separation under chapters 13 or 14 (section III).

**(2)** Paragraph 2-2 (Notice), stated commanders were to notify the soldier in writing of the following:

**(a)** Provide the basis of the proposed separation, including the circumstances upon which the action was based, and a reference to the applicable regulatory separation provision.

**(b)** The Soldier will be advised of the following rights:

- whether the proposed separation could result in discharge, release from active duty to a Reserve Component, or release from custody and control of the Army
- the least favorable characterization of service or description of separation he/she could receive
- the type of discharge and character of service recommended by the initiating commander and that the intermediate commander(s) may recommend a less favorable type of discharge and characterization of service than that recommended by the initiating commander

**(c)** Further advise the Soldier of the following rights:

- consult with military or civilian counsel at their own expense
- submit statements in their own behalf
- obtain copies of documents that will be sent to the separation authority supporting the proposed separation
- to a hearing before an administrative separation board under section III of this chapter if they had 6 or more years of total active and Reserve service on the date of initiation of recommendation for separation
- waive their rights

**(3)** Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(4) 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.

(5) 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.

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

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

(8) Section III, paragraph 14-12c(2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing 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 under paragraph 14-12a or 14-12b as appropriate.

(9) 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.

f. Army Regulation 635-5-1 (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, misconduct (drug abuse).

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 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.

**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 changes to the SPD code, RE code from 4 to 1, and the narrative reason to Secretarial Authority. Also, removal of this derogatory information from the applicant's record. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's AMHRR is void of the specific facts and circumstances concerning the events which led to the discharge from the Army. The applicant's AMHRR does contain a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. On 14 November 2017 the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse), with a characterization of service of general (under honorable conditions). The applicant's ERB, 15 November 2015, shows the applicant was reduced from E-4 to E-1 effective 26 August 2017.

c. CID reports reveal the applicant received a FG Article 15 on 26 August 2017 for Wrongful Possession of Other Drugs and Wrongful Use of Other Drugs Not Detected by Urinalysis. The punishment consisted of reduction from E-4 to E-1; forfeiture of pay (maximum allowable); and extra duty for 45 days.

d. The applicant through counsel, requests the narrative reason for the discharge to be changed to Secretarial Authority. The applicant was separated under the provisions of Chapter 14, paragraph 14-12c(2), AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Drug Abuse)," and the separation code is "JJK." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (SPD Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

e. The applicant through counsel, requests the SPD code be changed. The SPD codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in the collection and analysis of separation data. The SPD Codes are controlled by OSD and then implemented in Army policy AR 635-5-1 (SPD Codes) to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c(2), is "JJK."

f. The applicant through counsel, requests the RE code to be changed from RE-4 to RE-1. Soldiers processed for separation are assigned reentry codes based on their service records or

the reason for discharge. Based on AR 601-210, the applicant was appropriately assigned an RE code of "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment.

**g.** The applicant through counsel contends, in effect, there is a procedural defect in this case. A hasty command-initiated request for separation occurred without sufficient consideration for the applicant's situation. This was not a pattern of misconduct; rather, this was an isolated and naive infraction that occurred. The applicant thought they was taking supplements for enhancing physical performance and unaware that the supplements were steroids which led to a positive result in a urinalysis test.

**(1)** A CID Memorandum, subject: Law Enforcement Report - 1st Corrected Final, 13 October 2017, shows an investigation established the applicant committed the offense of Wrongful Use and Possession of a Schedule III Controlled Substance. The applicant waived their rights and admitted to purchasing and consuming illegal steroids. The Army Review Board Agency provided this CID report and a DA Form 4833 (Commander Report of Disciplinary or Administrative Action) to the applicant and counsel on 7 March 2024 requesting comments, however because the applicant and counsel will appear before the Board on 11 March 2024, a response may be delayed.

**(2)** AR 635-200, paragraph 3-5, in pertinent part, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

**h.** The applicant through counsel contends, in effect, the applicant was a dedicated combat engineer who was completely unaware of any misconduct on their part and was denied rehabilitation.

**(1)** A CID Memorandum, subject: Law Enforcement Report - 1st Corrected Final, 13 October 2017, shows an investigation established the applicant committed the offense of Wrongful Use and Possession of a Schedule III Controlled Substance. The applicant waived their rights and admitted to purchasing and consuming illegal steroids.

**(2)** AR 600-85 states unit commanders will refer individuals suspected or identified as alcohol and/or other drugs abusers, including those identified through drug testing (except those determined to be legitimate medical use by the medical review officer) and/or blood alcohol tests, to the ASAP counseling center for screening. Soldiers who are referred by the unit commander for evaluation, regardless of the means of identification, will be referred using DA Form 8003 (ASAP Enrollment), which the commander must sign. The applicant's AMHRR is void of a DA Form 8003 and rehabilitation efforts.

**i.** The applicant through counsel contends, in effect, the applicant has a stabilizing and immensely fulfilling life while earnestly receiving comprehensive treatment for mental health issues. An email from the applicant, 9 February 2024, states they do not have medical documents to address their mental health issues, however, will provide testimony during the Board regarding behavioral health issues during enlistment.

**j.** The applicant through counsel contends, the applicant had an illustrious career, including receiving awards. The Board will consider the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

**k.** The applicant through counsel, requests removal of derogatory information from the applicant's AMHRR. The applicant's request does not fall within this board's purview. The



applicant may apply to the Army Board for Correction of Military Records (ABCMR), using the enclosed DD Form 149 regarding this matter. A DD Form 149 may also be obtained from a Veterans' Service Organization.

**l.** The third party statements provided with the application reflect the applicant earned respect of senior leaders and was an inspiration to others. The applicant motivated others during physical training, their knowledge was invaluable during long days in the motor pool, and the applicant's tenacity and grit held peers to a higher standard while in the field. The applicant conducted themselves professionally with a great attitude and was trustworthy.

**m.** The applicant deployed as a civilian contractor to Poland to support Remote Distribution Center - Ukraine. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

**n.** 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):** None.
- c. Counsel / Witness(es) / Observer(s):** Counsel.

**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.** Prior Decisions Cited: AR20200009277

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

(1) The applicant through counsel contends, in effect, there is a procedural defect in this case. A hasty command-initiated request for separation occurred without sufficient consideration for the applicant's situation. This was not a pattern of misconduct; rather, this was an isolated and naive infraction that occurred. The applicant thought they was taking supplements for enhancing physical performance and unaware that the supplements were steroids which led to a positive result in a urinalysis test. The Board considered this contention and found no corroborating evidence of capricious acts by the chain of command or procedural defects in the applicant's discharge. The applicant is responsible for providing the burned of proof that the discharge was inequitable or improper. The Board determined the discharge was proper and equitable.

(2) The applicant through counsel contends, in effect, the applicant was a dedicated combat engineer who was completely unaware of any misconduct on their part and was denied rehabilitation. The Board recognizes the applicant's service and considered this contention with all available evidence and the applicant's testimony and found no mitigating factors for the applicant's misconduct.

(3) The applicant through counsel contends, in effect, the applicant has a stabilizing and immensely fulfilling life while earnestly receiving comprehensive treatment for mental health issues. The Board considered this contention and commends the applicant on post service accomplishments.

(4) The applicant through counsel contends, the applicant had an illustrious career, including receiving awards. The Board recognizes and appreciates the applicant's service in the military and post service work as a contractor, and considered this contention with all available evidence and the applicant's testimony and found no mitigating factors for the applicant's misconduct.

**d.** 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 all available 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.

**e. 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, they found insufficient evidence of in-service mitigating factors to mitigate the drug abuse. 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 Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and 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:**

3/27/2024

X

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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