

1. Applicant's Name: [REDACTED]

- a. Application Date: 2 November 2023
- b. Date Received: 2 November 2023
- c. Counsel: None

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.

b. The applicant seeks relief contending, in effect, the applicant is requesting that the board grant clemency. The applicant had mental issues while in the military that affected their conduct, performance, and decision making. These issues also had a bearing on the applicant's discharge. The applicant is unable to support themselves and needs the narrative reason and character of service upgraded and changed on their DD Form 214 (Certificate of Release or Discharge from Active Duty), in order to find gainful employment and to improve their overall quality of life.

c. **Board Type and Decision:** In a records review conducted on 20 September 2024, and by a 4-1 vote, the Board, based on the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge combat related Post Traumatic Stress Disorder (PTSD), determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

*Please see Section 9 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:** 13 September 2023
- 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: NIF

4. SERVICE DETAILS:

- a. Date / Period of Enlistment:** 9 June 2022 / 3 years
- b. Age at Enlistment / Education / GT Score:** 26 / High School Graduate / 110
- c. Highest Grade Achieved / MOS / Total Service:** E-6 / 13B2P 2B 5W, Cannon Crewmember / 6 years, 10 months, and 7 days
- d. Prior Service / Characterizations:** RA, 7 November 2016 - 8 June 2022 / HD
- e. Overseas Service / Combat Service:** SWA / Afghanistan (8 September 2017 - 13 May 2018)
- f. Awards and Decorations:** ARCOM-C, ARCOM-2, AAM, MUC-2, AGCM-2, NDSM, ACM-CS, GWTSM, NCODP-2, ASR, NATOMDL, CAB
- g. Performance Ratings:**
1 November 2019 - 17 August 2020 / Highly Qualified
18 August 2020 - 17 August 2021 / Highly Qualified
18 August 2021 - 31 March 2022 / Highly Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) Electronic Copy of DD Form 2624, 25 October 2022, shows the applicant tested positive for THC8 390 and THC9 26 (marijuana), during an Inspection Unit (IU) urinalysis testing, conducted on 6 October 2022.

(2) The applicant's Enlisted Record Brief, 21 November 2022, shows the applicant was flagged for drug abuse adverse action (UA) and adverse action (AA) effective 1 November 2022; and was ineligible for reenlistment due to an adverse action flag (9B). The Assignment Eligibility Availability (AEA) code shows AEA code "L" which has no assignment restrictions.

(3) The applicant was flagged for drug abuse adverse action (UA) on 11 January 2023 effective 6 October 2022.

(4) FG Article 15, 14 March 2023, for failing to obey a lawful general regulation, by wrongfully using a product derived from hemp including CBD (THC8) and for wrongful use of Tetrahydrocannibal-9 (THC9) on or about 6 October 2022. The punishment consisted of a reduction from E-6 to E-5; forfeiture of \$1,711.00 pay per month for 2 months; extra duty for 45 days; and restriction for 45 days (suspended).

(5) Orders 0004565124.00, 25 April 2023, shows the applicant was reduced from E-6 to E-5 effective 14 March 2023.

(6) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), shows the applicant had completed the first full term of service. The applicant was discharged on 13 September 2023 under the authority of AR 635-200, paragraph 14-12c(2), with a narrative reason of Misconduct (Drug Abuse). The DD Form 214 was authenticated with the applicant's electronic signature.

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; and two Noncommissioned Officer Evaluation Reports.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the 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. 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 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) The administrative board procedures (see chapter 2, section II) will be used.

(a) When the reason for separation requires the administrative board procedure, the commander will notify the Soldier in writing that their separation has been recommended per AR 635-200.

- commander will cite the specific allegations on which the proposed action is based
- commander will include the specific provisions of this regulation authorizing separation
- commander will advise 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
- Soldier will be advised of the least favorable characterization of service or description of separation they could receive
- Soldier will be advised of the type of discharge and the characterization 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

(b) The separation authority is not bound by the recommendations of the initiating or intermediate commander(s). However, the separation authority will not authorize the issuance of a type of discharge or character of service less favorable than that recommended by the board.

(c) The Soldier will be further advised of the following rights:

- confer with consulting counsel
- Soldiers may also consult with a civilian counsel at their own expense

- to obtain copies of documents that will be sent to the separation authority supporting the proposed separation
- for a separation under chapter 14 of this regulation, based on a positive urinalysis, the Soldier will be provided, upon request, a copy of the supporting laboratory documents (as prescribed in AR 600-85)
- to a hearing before an administrative separation board
- to present written statements instead of board proceedings
- to request appointment of a military counsel for representation
- to retain civilian counsel at no expense to the Government
- to waive the above rights in writing, this includes the right to submit a conditional waiver of the right to have a case heard before an administrative separation board
- to withdraw a waiver of the rights

(d) The Soldier will be given a reasonable time (not less than 3 duty days) to consult with counsel before waiving the rights.

(e) A soldier under military control will be notified in writing of the convening date of the board at least 15 days before the hearing. The proceedings of the board will be summarized as fairly and accurately as possible. They will contain a verbatim record of the findings and recommendations.

(f) The board will determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence. The board will then determine per chapter 1, section II, whether the findings warrant separation. The completed report of proceedings will be forwarded to the separation authority.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

e. 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).

f. Army Regulation 601-210, (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

(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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) 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.

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. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the applicant served 6 years, 10 months, and 7 days during which the applicant served 8 months and 6 days in Afghanistan. The applicant tested positive for THC8 390 and THC9 26 (marijuana). The applicant's DD Form 214 indicates the applicant was discharged on 13 September 2023 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).

c. The applicant contends, in effect, the narrative reason for the discharge needs to be changed. 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 "JKK." 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.

d. The applicant contends, in effect, the applicant had mental issues while in the military that affected their conduct, performance, and decision making. These issues also had a bearing on the applicant's discharge. On 5 January 2024, the Command Management Division representative requested medical evidence from the applicant to support the applicant's claim of other mental health with a suspense of 5 February 2024. There has been no response from the applicant.

e. The applicant contends, in effect, an upgrade of the discharge will allow the applicant to obtain gainful employment and to improve their overall quality of life. The Board does not grant relief to gain employment or enhance employment opportunities.

f. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses: Adjustment Disorder with Anxiety and Post Traumatic Stress Disorder (PTSD).

(2) Did the condition exist or experience occur during military service? **Yes.** Adjustment Disorder with Anxiety and trauma serving as the basis for the PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the applicant's assertion that drug use was due to mental health issues and the VA service connecting for combat related PTSD with the trauma occurring before the misconduct, the basis is mitigated.

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

b. Response to Contention(s):

(1) The applicant contends, in effect, the applicant had mental issues while in the military that affected their conduct, performance, and decision making. These issues also had a bearing on the applicant's discharge. The Board determined that this contention was valid and voted to upgrade the characterization of service due to Post Traumatic Stress Disorder (PTSD) mitigating the applicant's positive urinalysis misconduct.

(2) The applicant contends the narrative reason for the discharge needs to be changed. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder (PTSD) mitigating the applicant's positive urinalysis misconduct.

(3) The applicant contends, in effect, the applicant had mental issues while in the military that affected their conduct, performance, and decision making. These issues also had a bearing on the applicant's discharge. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder (PTSD) mitigating the applicant's positive urinalysis misconduct.

(4) The applicant contends an upgrade of the discharge will allow the applicant to obtain gainful employment and to improve their overall quality of life. The Board does not grant relief to gain employment or enhance employment opportunities. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder (PTSD) mitigating the applicant's positive urinalysis misconduct.

c. The Board, based on the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge combat related Post Traumatic Stress Disorder (PTSD), determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's combat related Post Traumatic Stress Disorder (PTSD) mitigated the applicant's misconduct of a positive urinalysis. Thus, the prior characterization is no longer appropriate.

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

(3) The RE code will not change due to the applicant's medical condition.

10. BOARD ACTION DIRECTED:

a. Issue a New DD-214: Yes

b. Change Characterization to: Honorable

c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN

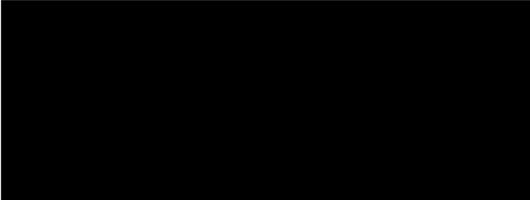
d. Change RE Code to: No Change

e. Change Authority to: AR 635-200

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20230014978

Authenticating Official:

7/16/2025



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