

1. Applicant's Name: [REDACTED]**a. Application Date:** 8 December 2023**b. Date Received:** 18 December 2023**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests a change to Honorable.

(2) The applicant seeks relief contending the stress of the military compounded with stress of their personal relationship, the death of their father and being away from home at the time, all lead to their mental decline. They now know based on personal experience that holding everything and not speaking to anyone about these issues can really damage emotions and causes serious mental decay. When their mental health episode happened, they used marijuana to try and somehow cope and get over emotions, but they realized after that they had made a mistake. Upgrading their discharge to fully honorable will not only allow them to achieve goal of completing college but greatly improve their mental well-being. This upgrade will move mountains for them, they have worked hard for it, and they are anxious to start the college journey.

b. Board Type and Decision: In a records review conducted on 08 October 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (PTSD diagnosis), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. Please see Board Discussion and Determination section for more detail regarding the Board's decision. Board member names available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / Army Regulations 635-200 / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 5 July 2022**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 31 May 2022

(2) **Basis for Separation:** between on or about 8 November 2021 and 8 December 2021, wrongfully used tetrahydrocannabinol, a Schedule I controlled substance.

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

(4) Legal Consultation Date: 3 June 2022

(5) Administrative Separation Board: on 3 June 2022, the applicant waived consideration of their case by an Administrative Separation Board.

(6) Separation Decision Date / Characterization: 13 June 2022 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment: 14 May 2020 / 3 years

b. Age at Reenlistment / Education / GT Score: 22 / HS Diploma / 92

c. Highest Grade Achieved / MOS / Total Service: E-5 / 12B1O, Combat Engineer / 6 years, 2 months, 10 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Korea / Kuwait (12 March 2017 – 12 November 2017)

f. Awards and Decorations: ARCOM-2, AAM-5, AGCM, NDSM, KDSM, NCOPDR, ASR, GWTEM, GWTSM, OSR,

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 4856 (Developmental Counseling Form) dated 24 January 2022 reflects the applicant received event counseling from their company commander for a positive urinalysis test result. The Key Points of Discussion reflects the applicant tested positive for marijuana during a urinalysis conducted on 8 December 2022. The company commander recommended the applicant be barred from reenlistment, flagged, receive punishment under the Uniform Code of Military Justice (UCMJ), and possibly processed for separation from the service pending the outcome of the investigation. The Plan of Action reflects the commander directed the applicant be escorted to Environmental Behavioral Health to set up an initial meeting with a Substance Use Disorder Clinical Care counselor. The applicant agreed with the information, provided no remarks and signed the counseling form.

(2) A memorandum, Bravo Company, 3rd Brigade Engineer Battalion, 3rd Armored Brigade Combat Team, 1st Cavalry Division, subject: Notification of Separation under Army Regulation 635-200, Paragraph 14-12c(2), undated, reflects the applicant received notification of the initiation of separation action against them from their company commander for Misconduct Drug Abuse. The reason for the proposed separation action is described above in paragraph 3c(2). The company commander recommended the applicant receive a General (Under Honorable Conditions discharge). On 31 May 2022, the applicant acknowledged receipt of their notification of separation and of the rights available to them.

(3) In the applicant's memorandum, subject: Election of Rights Regarding Separation under Army Regulation 635-200, Paragraph 14-12c(2), dated 3 June 2022, the applicant acknowledged they have been advised by their consulting counsel of the basis for the contemplated action to separate them for Misconduct – Abuse of Illegal Drugs, and its effects; of

the rights available to them; and of the effect of any action taken by them in waiving their rights. They understand they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) discharge is issued to them. They further understand that as the result of issuance of a discharge Under Other Than Honorable Conditions, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They waived consideration of their case by an administrative separation board, elected not to submit statements in their own behalf, and waived consulting counsel.

(4) A memorandum, Headquarters, 3rd Brigade Engineer Battalion, 3rd Armored Brigade Combat Team, 1st Cavalry Division, subject: Commander's Report for Separation under Army Regulation 635-200, Paragraph 14-12c(2), undated, reflects the company commander's recommendation to separate the applicant from the U.S. Army prior to the expiration of their current term of service. The company commander states the applicant received a Field Grade Article 15, UCMJ, with punishment consisting of a reduction in rank/grade from sergeant/E-5 to specialist/E-4, forfeiture of \$1,393 pay for two months and extra duty and restriction for 45 days. The commander stated they do not consider it feasible or appropriate to accomplish other disposition as the applicant used drugs that they knew were illegal as a U.S. Army service member. The separation is in the best interest of both the Army and the applicant.

(5) A memorandum, Headquarters, 3rd Brigade Engineer Battalion, 3rd Armored Brigade Combat Team, 1st Cavalry Division, subject: Commander's Recommendation for Separation under Army Regulation 635-200, Paragraph 14-12c(2), undated, reflects the battalion commander's recommendation to separate the applicant from the U.S. Army prior to the expiration of their current term of service. The commander recommended the applicant's service be characterized as General (Under Honorable Conditions).

(6) A memorandum, Headquarters, 3rd Armored Brigade Combat Team, 1st Cavalry Division, subject: Administrative Separation under Army Regulation 635-200, Paragraph 14-12c(2), dated 13 June 2022, the separation authority reviewed the separation packet of the applicant and after careful consideration of all matters, directed the applicant be separated from the U.S. Army prior to the expiration of their current term of service. The separation authority directed the applicant's service be characterized as General (Under Honorable Conditions). The separation authority states the rehabilitative transfer requirements do not apply to this separation action.

(7) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 5 July 2022, with 6 years, 2 months, and 10 days of net active service this period. The DD Form 214 show in –

- item 13 (Remarks) – in part, MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKK
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – Misconduct (Drug Abuse)

i. Lost Time / Mode of Return: NA

j. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor. See "Board Discussion and Determination" for Medical Advisor Details.

(1) Applicant provided: Department of Veterans Affairs (VA) Progress Notes reflecting diagnosis of Adjustment Disorder with mixed anxiety and depressed mood.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 214
- ten 3rd Party Statements
- VA Medical Documents – Progress Notes

6. POST SERVICE ACCOMPLISHMENTS: None submitted with application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10, U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence

sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board) 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and DoD Instruction 1332.28.

f. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. 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. 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.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 1 October 2021, prescribed policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons.

(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) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Paragraph 1-17 (Counseling and Rehabilitative Requirements) stated Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. The rehabilitative transfer requirements in chapter 14 may be waived by the separation authority in circumstances where common sense and sound judgment indicate that such transfer will serve no useful purpose or produce a quality Soldier.

(5) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. Paragraph 14-12c(2) (Abuse of Illegal Drugs is Serious Misconduct), stated, however; relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(6) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c(2), misconduct (drug abuse).

i. 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 DoD Instructions 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.

j. Manual for Courts-Martial, United States (2019 Edition) stated, military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 112a (Wrongful Use, Possession, etc., of Controlled Substances).

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence provides the applicant received event counseling for testing positive for marijuana during a urinalysis conducted on 8 December 2022, waived consideration of their case by an administrative separation board and was involuntary separation from the Army. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse), with a characterization of service of General (Under Honorable Conditions). The applicant completed 6 years, 2 months, and 10 days of net active service this period and completed their first full term of service; however, they did not complete their 3-year reenlistment obligation.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate.

d. 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/experiences: PTSD

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant was diagnosed by the VA with PTSD that was determined to be linked to in-service trauma.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that based on the available information, it is the opinion of the Agency BH advisor that the applicant has a mitigating BH condition, PTSD. VA medical documentation establishes a nexus between their post-service diagnosis of PTSD and active military service. As there is an association between PTSD and self-medication with alcohol and/or illicit drugs, there is a nexus between this diagnosis and two positive UAs for THC. While the applicant has also been diagnosed with MDD and Adjustment DO with mixed anxiety and depressed mood, these conditions do not fall under the purview of liberal consideration given that they have not been linked by the VA to applicant's military service.

(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. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends the stress of the military compounded with stress of their personal relationship, the death of their father and being away from home at the time, all lead to their mental decline. When their mental health episode happened, they used marijuana to try and somehow cope and get over emotions, but they realized after that they had made a mistake.

The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's drug offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends upgrading their discharge to fully honorable will not only allow them to achieve goal of completing college but greatly improve their mental well-being. This upgrade will move mountains for them, they have worked hard, and they are anxious to start the college journey.

Eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge

Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

d. The Board determined: The Board voted to change the applicant's characterization of service to Honorable based on the applicant's BH condition, PTSD, mitigated the basis of separation, wrongfully used tetrahydrocannabinol (THC), a schedule I controlled substance. As there is an association between PTSD and self-medication with alcohol and / or illicit drugs, there is a nexus between this diagnosis and the applicant's two positive UAs for THC. Additionally, the applicant's in-service factors of length, quality and combat further outweighed the misconduct. The Board determined that the reason for the applicant's separation was inequitable and 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. The RE code will not change, as the RE code is both proper and equitable.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's misconduct of marijuana abuse. Thus, the prior characterization is no longer appropriate.

(3) 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.

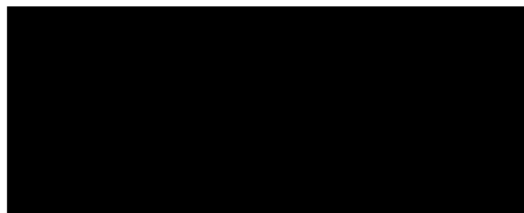
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

11/12/2025



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