

SUMMARY:

The applicant was discharged on 28 May 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General Discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 09 January 2024. No witnesses were present to testify on the applicant's behalf.

The attached examiner's brief (provided to applicant only), extracted from available service records, contains pertinent data regarding the circumstances and character of the applicant's military service.

DISCUSSION: The Discharge Review Board (DRB), under its responsibility to examine the propriety and equity of an applicant's discharge, is authorized to change the characterization of service and the narrative reason for discharge if such changes are warranted. If applicable, the board can also change the applicant's reenry code. In reviewing discharges, the board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the applicant. The Board completed a thorough review of the circumstances that led to the discharge and the discharge process to determine if the discharge met the pertinent standards of equity and propriety.

The applicant's record of service included an Article 15. His misconduct included: Physically Controlled a vehicle while drunk.

The documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, and any additional documentation submitted by applicant and/or counsel; the applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the applicant's service information and a summary of the case.

The applicant indicated that his request should be granted because he had several underlying issues that he put aside due to his pride and the need to stay in. He explained that he didn't have drinking issues until he arrived at Holloman and deployed. He highlighted that after returning from deployment, things spiraled out of control because he was away from friends and family and all he wanted to do was drink. The applicant requested the upgrade so that he may use the GI Bill.

During the personal appearance, through unsworn testimony, the applicant indicated that he served five and a half of his six-year enlistment and deserves his GI Bill. He stated that the drinking started just a couple of weeks after arriving to base, as he had trouble balancing stress and it built up. Additionally, he did not like it there and was mad about the assignment to that location. The applicant also explained that mental health was a major factor with his drinking and when asked to clarify, he stated that he had depression and anxiety. It was noted that the applicant refused an inpatient treatment plan, and when asked why he denied treatment, he said that ultimately, it was up to him to make the change, and not anyone else. The applicant continued to explain that he didn't go see mental health for his issues because he thought it would result in a discharge. He also highlighted that he did not have any work issues due to the drinking, and in fact did his job well. He felt that leadership was just trying to get him out of the military. He concluded that he wants the GI Bill in order to go to school for cyber security.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge. Additionally, the Board was not able to find any documentation regarding the discharge. Since the board relies on the presumption of regularity, it determined the discharge received was appropriate. The Board understood the applicant's present service characterization renders him ineligible for Department of Veterans Affairs education benefits. However, this is not a matter of inequity or impropriety which would warrant an upgrade.

LIBERAL CONSIDERATION:

Due to evidence of a mental health diagnosis and/or experiences of sexual assault or sexual harassment and/or records documenting that one or more symptoms of mental health conditions and/or experiences of sexual assault or sexual harassment existed/occurred during military service found in the applicant's record, the Board considered the case based on the liberal consideration (LC) standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and 10 USC §1553. The Board included a member who is a physician, clinical psychologist, psychiatrist or social worker with training on mental health issues connected with PTSD or TBI or other trauma. Specifically, the Board reviewed the four questions the Under Secretary of Defense provided that boards should consider when weighing evidence in requests for modification of discharges due in whole or in part to mental health conditions, including PTSD; TBI; sexual assault, and sexual harassment. The Board considered the following:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

The applicant checked the box for "other mental health" on the application. The applicant contended "I had several underlying issues but I put them to the side because of my pride, and really to stay in and finish my contract. I never had drinking issues but when I got to Holloman AFB that all changed. I deployed to Qatar in 2017 and when I got back things started to spiral out of control from me and I wanted to do was drink being away from family and friends also took a toll on me. I suffer from anxiety and depression and alcohol was the only thing that worked for me at the time."

2. Did that condition exist/experience occur during military service?

A review of the applicant's records revealed the applicant was both medically referred, and command referred to ADAPT on multiple occasions due to maladaptive alcohol use. The applicant's records revealed the applicant participated in alcohol education and level one treatment during his time in service. The applicant was recommended for level two treatment and inpatient services after his second DUI, but the applicant's record revealed he declined. There is no evidence or records the applicant sought or received any mental health services during his time in service; there is no evidence the applicant exhibited or endorsed any clinically significant indicators of a mental health condition during his time in service.

3. Does that condition or experience actually excuse or mitigate the discharge?

A review of the applicant's DD214 revealed the applicant was discharged with a general character of service due to misconduct (minor infractions) with five years, four months, sixteen days' time in service.

A review of the applicant's records revealed the applicant received multiple DUIs in service, one in 2017 resulting in a civilian conviction for aggravated DUI, and another in 2020, for which the applicant received disciplinary action. The applicant's medical records revealed the applicant denied his drinking was problematic even when confronted with serious medical and legal problems directing resulting from the applicant's alcohol use. The applicant's records indicated he denied any mental health symptoms during his time in service and when asked directly about his deployment experiences and reintegration by providers he

denied any issues and rather attributed his legal issues to bad decision making skills. Based on the records available for review, the applicant's maladaptive alcohol use occurred in a social context; the applicant acknowledged he was socializing with peers who also drank heavily. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of mental health condition during his time in service. There is no evidence the applicant's maladaptive alcohol use was due to him self-medicating an underlying mental health condition.

4. Does that condition or experience outweigh the discharge?

Because the applicant's discharge is not mitigated, the discharge is also not outweighed.

Additionally, the Board considered the factors laid out in the attachment to the 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*, dated 25 June 2018, known as the "Wilkie Memo." The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum and found no evidence of inequity or impropriety.

FINDING: The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization, to change the discharge narrative reason, and to change the reentry code.

Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "General," the narrative reason for separation shall remain "Misconduct (Minor Infractions)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 10 January 2024. If desired, the applicant can request a list of the board members and their votes by writing to:

Air Force Review Boards Agency
Attn: Discharge Review Board
3351 Celmers Lane
Joint Base Andrews, NAF Washington, MD 20762-6602
Instructions on how to appeal an AFDRB decision can be found at
<https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

