

SUMMARY:

The applicant was discharged on 28 March 2013 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with a “General” after “Misconduct (Drug Abuse).” The applicant appealed for an upgrade of her discharge characterization, a change to the discharge narrative reason, and a change to the reenlistment eligibility (RE) code.

The applicant was represented by counsel.

The applicant requested the board be completed based on a records review only. The Board was conducted on 20 April 2023.

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 Air Force Discharge Review Board (AFDRB), 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 reenlistment eligibility 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. Her misconduct included wrongful use of drugs.

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 stated that she experienced a Military Sexual Trauma (MST) while serving that she did not report. She stated that her behavior changed, and her work performance deteriorated because she experienced depression and anxiety. She stated her substance abuse was a direct result of her MST. She also stated she is currently seeking counseling.

The Board reviewed the applicant’s entire service record and found no evidence of impropriety or inequity to warrant any changes to the discharge.

LIBERAL CONSIDERATION: Due to evidence of a mental health condition found in the applicant’s medical 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 clinical psychologist. 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 post-traumatic stress disorder (PTSD); Traumatic Brain Injury (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 boxes for "PTSD" and "sexual assault/harassment" on the application. The applicant contended "I request changes due to military sexual trauma (MST) I experience during my active-duty service. My service disciplinary, demotion, and separation actions were directly related to unreported MST during my active-duty service." The applicant also contended "I displayed multiple MST markers/characteristics during service to include behavior changes, deterioration in work performance, depression, anxiety, and substance abuse."

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

A review of the applicant's military records revealed the applicant was command referred to ADAPT due to positive drug screen during her time in service. There is no evidence the applicant sought, received, or requested mental health care during her time in service. There is no evidence the applicant received the diagnosis of PTSD, or any other mental health condition during her time in service. There is no evidence or records the applicant exhibited any clinically significant indicators of PTSD, or any other mental health condition, during her time in service.

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

Based on a review of the applicant's records, the applicant was discharged due to drug abuse. The applicant did not provide any clarifying information or records regarding her experience of sexual assault. The applicant did not provide any testimony or details about her experience such as when the sexual assault(s) occurred, the nature of the incident(s), and how the incident(s) impacted her mental health and overall functioning in the military. A comprehensive review of all available records, including testimony, disclosure, or impact statements, reveal no evidence of a sexual assault. The applicant denied a history of sexual assault/abuse and any symptoms of PTSD to many providers across the span of her military career when asked directly. There were no symptoms of PTSD endorsed throughout the applicant's military career, to any PCM, Gynecology provider, mental health provider, optometrist, or physical therapist. It is possible that the applicant experienced military sexual assault; however, the burden of proof is placed upon the applicant to substantiate these claims. The supporting treatment plan document submitted by the applicant included a selected pages of treatment plan for which the condition was not identified/included and no information about how the treatment the applicant was receiving pertained to the applicant's contention.

4. Does that condition, or experience outweigh the discharge?

Based on a review of the available records, there is insufficient evidence the misconduct that led to the applicant's discharge was outweighed by the applicant's contended experience of sexual assault.

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 board voted unanimously to *deny* the applicant's request to upgrade her discharge characterization to "Honorable," to change the discharge narrative reason to "Secretarial Authority," and to change the reenlistment eligibility code to "2C" or "3K."

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 (Drug Abuse)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 17 May 2023.

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

Should the applicant wish to appeal this decision, the applicant must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, all applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR, otherwise their AFBCMR case will be administratively closed until such time that the applicant avails themselves of the available avenue of relief. Therefore, should the applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

Instructions on how to appeal an AFDRB decision can be found at
<https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)