

**SUMMARY:**

The applicant was discharged on 13 December 2022 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 his narrative reason.

The applicant was not represented by counsel.

The applicant requested the board be completed based on a records only review. 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. His 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 requested a change to his narrative reason for separation. The applicant stated that he was never a drug abuser. He stated that he dedicated his life to the military. He also acknowledged his mistakes and wants to become a productive member of society.

The Board acknowledged the applicant’s growth; however, the Board determined the applicant’s mental health conditions were known and seriously considered by the applicant’s command during the discharge process. And after a thorough review of the applicant’s contentions and his service record, the AFDRB found no evidence of impropriety or inequity to warrant an upgrade.

**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 “other mental health” on the application. The applicant contended “The narrative reason for separation now reads: Misconduct (Drug Abuse). I am not, and never have been, a drug abuser.” The applicant also contended “I have repeatedly acknowledged and admitted to previous mistakes. Mistakes led to microscopic amounts of THC metabolites in my urine. However, I have been completely honest.” The applicant also contended “My health records show that have been diagnosed with recurrent generalized anxiety disorder and major depression. I would like to move past this singular mistake and become a productive member of society.”*

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

*A review of the applicant’s records revealed the applicant received mental health care during his time in service. There is no evidence the applicant received the diagnosis, in service, of PTSD. There is evidence the applicant endorsed symptoms of anxiety and received the diagnosis, in service, of generalized anxiety disorder and major depressive disorder, mild.*

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 misconduct: specifically, drug use on divers occasions over approximately a 24-day period. A review of the applicant’s medical records revealed the applicant had been receiving med management for reported symptoms of anxiety for nearly the duration of his time in service. At the time of the applicant’s drug use, the applicant records revealed the applicant reported his symptoms had been well controlled and stabilized on his medication regimen for approximately two years. The applicant’s records revealed the applicant declined other therapeutic interventions for the duration of his service career. There is evidence the applicant obtained by-name medications from off-base providers that had been contra-indicated by military medical providers for his mental health condition. A diagnosis, in and of itself, does not mitigate misconduct. There is no evidence the applicant was unaware of the Air Force’s substance use policy; prior to and at the time of the applicant’s misconduct, the applicant’s records indicate he was reported to providers his symptoms of anxiety were controlled by the medication regimen provided by his PCM; thus, there is no evidence a mental health condition caused the misconduct that led to the applicant’s discharge.*

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

*Based on review of the applicant’s records, the applicant’s mental health conditions were known and considered by the applicant’s command during the discharge process. No error was found in review of the applicant’s records; thus, the applicant’s discharge is 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.”

**FINDING:** The Board voted unanimously to *deny* the applicant’s request to change the discharge narrative reason to “Secretarial Authority.”

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.

**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 31 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

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

Attachment:  
Examiner's Brief (Applicant Only)