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**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-02889

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**COUNSEL:** Work-Product

**HEARING REQUESTED:** NO

**APPLICANT'S REQUEST**

His under other than honorable conditions (UOTHC) discharge be upgraded.

**APPLICANT'S CONTENTIONS**

After returning from the Gulf War, he suffered from untreated symptoms of post-traumatic stress disorder (PTSD). Due to his PTSD, he attempted to self-medicate and made a poor decision. If his PTSD would have been treated, it is unlikely he would have taken the actions he did.

In support of his request for a discharge upgrade, the applicant provides a personal statement, his military personnel file and a Department of Veterans Affairs (DVA) disability benefits questionnaire (DBQ).

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force airman first class (E-3).

On 28 Sep 92, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-51 for misconduct (drug abuse). The specific reason for the action was, on 22 Sep 92, an AF Form 3070, *Record of Nonjudicial Punishment Proceedings*, indicated the applicant received nonjudicial punishment (NJP), Article 15 for wrongful use of marijuana on or about 5 Jul 92, as evidenced by a positive urinalysis. The applicant received a reduction to the grade of E-3.

On 28 Sep 92, the applicant offered an unconditional waiver, waiving his rights to an administrative discharge board.

On 9 Oct 92, the Staff Judge Advocate found the discharge action legally sufficient.

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On 13 Oct 92, the discharge authority accepted the unconditional waiver and directed the applicant be discharged for drug abuse with a UOTHC service characterization. Probation and rehabilitation were considered but not offered.

On 16 Oct 92, the applicant received a UOTHC discharge. His narrative reason for separation is "Misconduct – Drug Abuse" and he was credited with 6 years, 2 months, and 22 days of total active service.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit D.

### **POST-SERVICE INFORMATION**

On 12 Feb 25, the Board staff sent the applicant a request for post-service information, including a standard criminal history report from the Federal Bureau of Investigation (FBI); however, he has not replied.

### **APPLICABLE AUTHORITY/GUIDANCE**

On 3 Sep 14, the Secretary of Defense issued a memorandum providing guidance to the Military Department Boards for Correction of Military/Naval Records as they carefully consider each petition regarding discharge upgrade requests by veterans claiming PTSD. In addition, time limits to reconsider decisions will be liberally waived for applications covered by this guidance.

On 25 Aug 17, the Under Secretary of Defense for Personnel and Readiness (USD P&R) issued clarifying guidance to Discharge Review Boards and Boards for Correction of Military/Naval Records considering requests by veterans for modification of their discharges due in whole or in part to mental health conditions [PTSD, Traumatic Brain Injury (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 the aforementioned conditions.

Under Consideration of Mitigating Factors, it is noted that PTSD is not a likely cause of premeditated misconduct. Correction Boards will exercise caution in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct. Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, for minor misconduct commonly associated with the aforementioned mental health conditions and some significant misconduct sufficiently justified or outweighed by the facts and circumstances.

Boards are directed to consider the following main questions when assessing requests due to mental health conditions including PTSD, TBI, sexual assault, or sexual harassment:

- a. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
- b. Did that condition exist/experience occur during military service?

- c. Does that condition or experience actually excuse or mitigate the discharge?
- d. Does that condition or experience outweigh the discharge?

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness issued supplemental guidance, known as the Wilkie Memo, to military corrections boards in determining whether relief is warranted based on equity, injustice, or clemency. These standards authorize the board to grant relief in order to ensure fundamental fairness. Clemency refers to relief specifically granted from a criminal sentence and is a part of the broad authority Boards have to ensure fundamental fairness. This guidance applies to more than clemency from sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. Each case will be assessed on its own merits. The relative weight of each principle and whether the principle supports relief in a particular case, are within the sound discretion of each Board. In determining whether to grant relief on the basis of equity, an injustice, or clemency grounds, the Board should refer to paragraphs 6 and 7 of the Wilkie Memo.

On 12 Feb 25, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit C).

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, describes the authorized service characterizations.

**Honorable.** The quality of the airman's service generally has met Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

**General (Under Honorable Conditions).** If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the member's military record.

**Under Other than Honorable Conditions.** This characterization is used when basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of members. The member must have an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial. Examples of such behavior, acts, or omissions include but are not limited to:

- The use of force or violence to produce serious bodily injury or death.
- Abuse of a special position of trust.
- Disregard by a superior of customary superior - subordinate relationships.
- Acts or omissions that endanger the security of the United States.
- Acts or omissions that endanger the health and welfare of other members of the DAF.
- Deliberate acts or omissions that seriously endanger the health and safety of other persons.

- Rape, sexual assault, aggravated sexual contact, abusive sexual contact, rape of a child, sexual abuse of a child, sexual harassment, and attempts to commit these offenses.

## AIR FORCE EVALUATION

The AFRBA Psychological Advisor finds insufficient evidence to support the applicant's request for the desired change to his records from a mental health perspective. A review of the available records finds the applicant's contentions are partially corroborated by his objective military records. There is evidence and records he was deployed to Saudi Arabia from Aug 90 to Mar 91 and he earned an Air Force Achievement Medal for his accomplishments. His award citation refers to him having to ensure all personnel were alerted and sheltered during 20 Iraqi scud missile attacks. Thus, it is possible this duty was his traumatic experience as he contended. Nevertheless, there is no evidence or records he had PTSD, major depressive disorder (MDD), anxiety, alcohol abuse issues or any other mental health conditions during service. This was even acknowledged by the clinical psychologist who completed his PTSD DBQ. His available treatment records revealed he was referred to a substance abuse evaluation following his positive urine test for marijuana but declined the evaluation on advice of his legal counsel. There are no records verifying he completed a substance abuse evaluation. Regardless of the absence of this evaluation, he completed the report of medical history document on 1 Oct 92 as part of his separation physical examination with his primary care manager (PCM) and he denied having any mental health issues, including frequent trouble sleeping, depression, or excessive worry, and nervous trouble of any sort (anxiety). He claimed he did not seek formal mental health treatment during service because of stigma, which is a comprehensible explanation; however, there are no hints he had a mental health condition impairing his overall functioning in lieu of formal treatment. He received a total of six enlisted performance reports (EPR) during his military career including his last EPR after he returned from deployment. He received the maximum rating for this EPR, indicating he had exceptional work performance. There is no evidence of a behavioral change or a decline of his performance following his deployment because of his mental health condition or having a mental health condition. He claimed he drank alcohol to cope with his problems, but there are no records he had any alcohol issues or engaged in any alcohol-related incidents. There is no evidence he had untreated PTSD during service.

The applicant was under investigation by the Office of Special Investigations (OSI) for his use of marijuana. He explained in his statement to OSI that he and his friend went fishing at a creek. As they were going up the creek, they met a couple, chatted with them for a while, and were offered some beer and a marijuana cigarette. He declined the beer but took a couple of hits of the marijuana cigarette and gave it back to them. He and his friend then proceeded to continue fishing and went home two hours later. His account of this incident did not demonstrate he was in emotional distress or that he had a mental health condition, including PTSD, impairing his judgment at the time he decided to smoke marijuana. There is no evidence he needed relief from his trauma or PTSD symptoms, for him to elect and use the marijuana cigarette. It appeared to be a random, isolated, and one-time event, and not an impulsive act caused by a mental health condition based on his statement. There is no evidence he was using marijuana to cope with his distress or trauma. It is noted his records reported he had used marijuana five times before he entered the Air Force.

The applicant was not formally diagnosed with PTSD caused by his traumatic deployment experiences until 21 Aug 21, which was about 29 years after his discharge. For DVA rating purposes, he had symptoms of anxiety, chronic sleep impairment, and disturbances of motivation and mood. There is no evidence he had any of these symptoms during service. He was evaluated for PTSD again and this time by a licensed independent social worker-supervision (LICSW-S) on 30 Jul 24, 32 years after service. He was screened for PTSD and endorsed having PTSD symptoms. It appeared more likely than not, his PTSD and depressive symptoms began after his military service. Delayed onset of PTSD is not an uncommon occurrence, and it may take some time for symptoms to appear, eventually meeting the diagnostic criteria for PTSD years after the traumatic event had occurred.

There is no evidence the applicant's mental health condition, including PTSD, had a direct impact or was a contributing factor to his misconduct of marijuana use resulting in his discharge from service. It is plausible he may have used marijuana to cope as he claimed but his objective records do not corroborate his claim. He denied having any mental health issues during service and there were no apparent behavioral changes, emotional outbursts or other maladaptive behavioral problems which would demonstrate he had a mental health condition, causing him to use marijuana.

Liberal consideration is applied to the applicant's request for an upgrade of his discharge due to his contention of having a mental health condition. It is reminded, liberal consideration does not mandate an upgrade or a change to the record per policy guidance. The following are responses to the four questions from the Kurta Memo:

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

The applicant contended he suffered from untreated symptoms of PTSD caused by his deployment, traumatic and stressful experiences of chemical threats, sirens going off, explosions, and having to rush to put on his chemical gear and cover quickly while he was in Saudi Arabia. He claimed due to the stigma surrounding seeking mental health treatment, he never received formal mental health treatment but instead coped with fishing, crabbing, and alcohol use which did not work, and he sought relief from marijuana. He believes had he received proper mental health treatment to help with his symptoms, he would not have turned to marijuana use to ease his suffering.

2. Did the condition exist or experience occur during military service?

There is evidence and records the applicant deployed to Saudi Arabia from Aug 90 to Mar 91 and earned an Air Force Achievement Medal for his accomplishments during this deployment. His award citation refers to him having to ensure all personnel were alerted and sheltered during 20 Iraqi scud missile attacks. This may have been one of his traumatic experiences as he contended. There is no evidence or records he had PTSD or any other mental health conditions during service. This was acknowledged by the clinical psychologist who completed his PTSD DBQ in 2021. He was referred to a substance abuse evaluation following his positive urine test for marijuana but declined the evaluation by advice of legal counsel. There are no records verifying he completed a substance abuse evaluation or received any mental health treatment during service. He received a

separation physical examination from his PCM on 1 Oct 92 and denied during this examination he had any mental health issues. He was first diagnosed with PTSD in 2021, about 29 years after his discharge from the Air Force and later reported to another mental health provider at the DVA in 2024, he had nightmares on and off for about 15 years. This would demonstrate his symptoms began after he was discharged from the service, and it is possible his other PTSD symptoms may have begun after service as well. It appears he may have had a delayed onset of PTSD, which is not an uncommon occurrence.

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

There is no evidence the applicant's mental health condition had a direct impact or was a contributing factor to his misconduct of marijuana use, resulting in his discharge from service. He reported to OSI he and his friend were fishing at a creek and came across a couple who offered them some beer and a marijuana cigarette. He declined the beer but took a couple of hits of the marijuana cigarette. His decision to use marijuana did not demonstrate he was in emotional distress or that he had a mental health condition, including PTSD, impairing his judgment at the time. He claimed he was coping with alcohol but declined the beer when it was offered to him and opted for the marijuana cigarette instead. There is no evidence he needed relief from his trauma or PTSD symptoms for him to elect the marijuana cigarette. It appeared to be a random, isolated, and one-time event and not an impulsive act caused by a mental health condition based on his statement. There is no evidence he was using marijuana to cope with his distress or trauma. It is plausible he may have used marijuana to cope as he claimed but his objective records do not corroborate this impression. He denied having any mental health issues during service and there were no apparent behavioral changes, emotional outbursts, or other maladaptive behavioral problems which would demonstrate he had a mental health condition causing him to use marijuana. Therefore, his mental health condition does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

Since the applicant's mental health condition does not excuse or mitigate his discharge, his mental health condition also does not outweigh his original discharge.

The complete advisory opinion is at Exhibit D.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 12 Mar 25 for comment (Exhibit E) but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed. It would be illogical to deny a discharge upgrade application as untimely, since the Board typically looks for over 15 years of good conduct post-service. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. Section 1552(b).

2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant has presented evidence sufficient to demonstrate an injustice. The Board finds no error in the applicant’s original discharge process and notes the applicant was not diagnosed with PTSD or any mental health condition while in service. While the Board concurs with the rationale of the AFRBA Psychological Advisor that there is insufficient evidence to warrant upgrading the applicant’s discharge on the basis of liberal consideration due to his contention of PTSD, the Board recommends the applicant’s UOTHC discharge for drug abuse (marijuana use) be upgraded to general under fundamental fairness. The Wilkie Memo states in some cases fairness and equity dictate that relief should be granted. The Wilkie Memo further states that the Board should consider changes in policy, whereby a service member under the same circumstances today would reasonably be expected to receive a more favorable outcome than the applicant received may be grounds for relief. In this respect, the Board finds it is more likely than not that an airman discharged today for marijuana use would be discharged with a general, under honorable conditions, discharge, rather than a UOTHC. While the applicant did not provide evidence of post-service accomplishments or a criminal history report, the Board notes the Wilkie Memo clearly states that relief should not be reserved only for those with an exceptional aptitude and an applicant need not demonstrate high professional or academic achievement to support relief. Furthermore, it has been more than 32 years since his discharge. Based on the passage of time, the Board finds the applicant’s UOTHC discharge no longer serves any useful purpose. Therefore, the Board recommends correcting the applicant’s records as indicated below.

**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 16 Oct 92, he was discharged with service characterized as general (under honorable conditions), and a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority).

**CERTIFICATION**

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-02889 in Executive Session on 26 Jun 25:

- Work-Product** Panel Chair
- Work-Product** Panel Member
- Work-Product** Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 Aug 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.

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Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 12 Feb 25.

Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 10 Mar 25.

Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Mar 25.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

8/27/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF

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