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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03231

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her general (under honorable conditions) discharge be upgraded to honorable.

APPLICANT'S CONTENTIONS

She joined the Air Force at the age of 18, and the entire time, suffered from severe anxiety, however no one knew. She would freeze up when talked to by her superiors and she did not know how to ask for help. She had no one to advocate for her, none of her superiors knew her. While at her first duty station, she started out with an outstanding supervisor. When the supervisor was replaced, she did not know how to adjust to the change. She felt insulted and did not respect her. She was continuously written up for being nonchalant, which drove her into depression. She then began smoking marijuana. It has been over 15 years, she has made a life for herself and would like to advocate for herself like she should have done at the age of 19. Her character is honorable, and she would appreciate an upgrade of her discharge, especially with the context she has provided, where she had clear depression and anxiety, with no help at all for it. She just did not know how to ask for help, nor did she feel comfortable to ask for it, because she did not trust any of her superiors. She has not done any drugs since discharge, and she did learn the lesson. She would like the record to reflect her true character. Her current characterization has affected her for many years. Nothing of what she endured was ever documented. She willingly accepted the general (under honorable conditions) discharge to escape a nightmare with superiors twice her age. She also suffered from low iron levels and depression during service. She just considered herself unhappy. At the age of 19, she did not know how to advocate for herself, especially just coming out of basic training, where being tough and not weak was engrained in her. Properly taking care of her mental health and speaking up was a skill she did not develop until later. She took the discharge and accepted ending her dream career to escape the nightmare she felt she was in. She just did not understand any of it.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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The applicant is a former Air Force airman basic (E-1).

On 11 Apr 05, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.54 for drug abuse. The specific reason for the action was wrongful use of marijuana between on or about 31 Dec 04 and on or about 10 Jan 05, as evidenced by an AF Form 3070, *Record of Nonjudicial Punishment Proceedings*, dated 28 Mar 05. The applicant received a reduction to the grade of airman basic (E-1).

On 18 Apr 05, the Staff Judge Advocate found the discharge action legally sufficient.

On 20 Apr 05, the discharge authority directed the applicant be discharged for drug abuse, with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered but not offered.

On 22 Apr 05, the applicant received a general (under honorable conditions) discharge. Her narrative reason for separation is "Misconduct" and she was credited with 1 year, 2 months, and 26 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 28 Jan 25, the Board sent the applicant a request for post-service information, including a standard criminal history report from the Federal Bureau of Investigation (FBI); however, she 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 post traumatic stress disorder (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 28 Jan 25, the Board staff provided the applicant with 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.

AIR FORCE EVALUATION

The AFRBA Psychological Advisor recommends denying the application, finding insufficient evidence to support the applicant's request for an upgrade of her discharge based on her mental health condition. A review of the available records finds the applicant's contentions are not supported by her objective military records. There is no evidence or records the applicant had or experienced anxiety and depression during service. There are no records she was continuously written up for being nonchalant. She also marked "PTSD" on her application to the AFBCMR but provided no explanation about this condition, such as identifying her traumatic experience, when her traumatic experience occurred, and when she was diagnosed with PTSD. There are no records she was ever diagnosed with anxiety, depression, or PTSD by a duly qualified medical or mental health provider in her lifetime. She was briefly seen, a total of three times, at the substance abuse clinic from 14 Feb 06 to 24 Mar 06 for an evaluation and attended substance education class. There was no mental disorder diagnosis or mental health symptoms documented in any of these records. Her statement to the office of special investigations (OSI) and her responses to her Article 15 and notification memorandum also found no reports or complaints of anxiety, depression, PTSD/trauma, or any other mental health conditions. In her statement to OSI dated 2 Feb 05, she explained she and a friend were chatting about their relationships, and while doing so, they smoked a blunt. There was no indication or evidence she was in emotional distress or had anxiety, depression, trauma symptoms, etc. at the time of their conversation which led her to smoke marijuana. She also asked her friend after they had smoked how he had gotten away with doing this, in reference to smoking marijuana, and he proceeded to tell her his strategy. Her inquiry into his strategy suggested she was aware of her actions at the time and possibly was planning to do the same. When she was later questioned by OSI, she consented to a urinalysis (UA), but knew she would fail and was nervous over the matter. She said she was fully aware what she has done is bad and punishable under the uniform code of military justice (UCMJ). Furthermore, she was able to identify the soda can where her friend had stored the blunt and admitted she immediately knew it was weed when he pulled a blunt out of the can because of prior use on her part in the past. Her statement demonstrated she recognized what was happening at the time of the incident, knew of the consequences of her actions, and had engaged in smoking marijuana in the past with him. It is noted her military entrance processing station (MEPS) paperwork reported she had used marijuana in Jan 03, a year before she entered the Air Force, so she had a history of using marijuana. There is no evidence she had a thought disorder, cognitive impairment issues, or any mental health conditions impairing her judgment at the time of her misconduct. There is no evidence her mental health condition had a direct impact or was a contributing factor to her discharge from marijuana use.

LIBERAL CONSIDERATION: Liberal consideration is applied to the applicant's petition due to her contention of having a mental health condition. It is reminded, liberal consideration does not mandate an upgrade or a change to the records. The following are answers to the four questions from the Kurta Memorandum from the available records for review:

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

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The applicant marked “PTSD” and “other mental health” on her application to the AFBCMR and contended she suffered from severe anxiety which no one knew. She would freeze up when seniors spoke with her and did not know how to ask for help. No one advocated for her and none of her seniors knew her. She had a replacement supervisor and could not adjust to the change. She felt insulted, did not respect her supervisor, and was continuously written up for being nonchalant which drove her to depression, and she began smoking marijuana. She is requesting an upgrade of her discharge because she had clear depression and anxiety with no help for these issues.

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

There is no evidence or records her mental health conditions of anxiety, depression, or PTSD had existed or occurred during her military service. There is no evidence or records she had or experienced anxiety or depression during service. She also marked “PTSD” on her application to the AFBCMR and provided no explanation about this condition, such as identifying her traumatic experience, when her traumatic experience occurred, and when she was diagnosed with PTSD. There are no records she was ever diagnosed with anxiety, depression, or PTSD by a duly qualified medical or mental health provider in her lifetime. She was briefly seen, a total of three times, at the substance abuse clinic from 14 Feb 06 to 24 Mar 06 for an evaluation and a substance education class. There were no mental disorder diagnoses or anxiety, depressive, or trauma symptoms documented in any of these records.

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

The applicant’s statement to OSI at the time of service revealed she and her friend were chatting about their relationships and then they smoked a blunt/marijuana. She then inquired with her friend about how he had gotten away with using marijuana, she was able to identify the soda can he used to store the marijuana, and reported she immediately knew there was weed or marijuana in the soda can when he pulled it out because of her prior use in the past. She also reported she knew what she did was bad and punishable under the UCMJ. Her statement demonstrated she recognized what was happening at the time of the incident and knew of the consequences of her actions. There is no evidence she had a thought disorder, cognitive impairment issues, was in emotional distress, or had anxiety, depression, PTSD, or any mental health conditions impairing her judgment at the time of her misconduct. There is no evidence her mental health condition had a direct impact or was a contributing factor to her discharge from marijuana use. Thus, her mental health condition does not excuse or mitigate her discharge.

4. Does the condition or experience outweigh the discharge?

Since there is no evidence her mental health condition may excuse or mitigate her discharge, her condition also does not outweigh her 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 6 Mar 25 for comment (Exhibit E) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed. Given the requirement for passage of time, all discharge upgrade requests under fundamental fairness or clemency are technically untimely. However, 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 is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board applied liberal consideration to the evidence submitted by the applicant; however, it is not sufficient to grant the applicant's request. There is no evidence or records her mental health conditions of anxiety, depression, or PTSD had existed during her military service. She was seen three times at the substance abuse clinic for an evaluation and attended substance education class. During this time there was no mental disorder diagnosis or mental health symptoms documented in any of the records. Furthermore, there are no records or evidence she was ever diagnosed with anxiety, depression or PTSD in her lifetime. Therefore, her contended mental health conditions do not excuse or mitigate her discharge. Additionally, the applicant has provided no evidence which would lead the Board to believe her service characterization was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. Nonetheless, in the interest of justice, the Board considered upgrading the discharge based on fundamental fairness; however, given the evidence presented, and in the absence of a criminal history report and other evidence showing the applicant made a successful post-service transition, the Board finds no basis to do so. The Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness; however, the applicant did not provide sufficient evidence to show she has made a successful post-service transition. The evidence she provides lacks references that demonstrate her character and service to the community. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this decision, which could be in the form of a criminal history background check, a personal statement, character statements, and/or testimonials from community leaders/members specifically describing how her efforts in the community have impacted others. Should the applicant provide documentation pertaining to her post-service accomplishments and activities, this Board would be willing to review the materials for possible reconsideration of her request based on fundamental fairness.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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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-2024-03231 in Executive Session on 18 Jun 25:

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, Panel Chair

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, Panel Member

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, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, dated 6 Sep 24.

Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 28 Jan 25.

Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 27 Feb 25.

Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 6 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.

6/26/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

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