|  |  |
| --- | --- |
|  **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**  | CASE NUMBER FD-2019-00487 |
|  GENERAL: The applicant was discharged on 30 Jul 2018 in accordance with AFI 36-3208 with a General discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of his discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 9 Jan 2020. The applicant was offered a personal appearance before the Discharge Review Board (DRB), but declined and requested the board be completed based on a records only review. The applicant was not represented by counsel. Pursuant to 10 USC §1553, the board included a member who is a Clinical Psychiatrist with training on mental health issues connected with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI), and training on mental health disorders.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.  FINDING: The DRB voted unanimously to *approve* the applicant’s request to upgrade his discharge characterization to Honorable, to change the discharge narrative reason to “Secretarial Authority,” and to change the reenlistment eligibility code to 2C.DISCUSSION: The 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 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 and a Letter of Counseling. His misconduct included: wrongful use of marijuana and failure to document a monthly equipment inspection. Due to evidence of post-traumatic stress disorder (PTSD) and military sexual trauma found in the applicant’s medical record, the board considered the case based on the liberal consideration standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and/or 10 USC §1553.The applicant contended the discharge was inequitable because his misconduct was the result of military sexual trauma and PTSD. He asserts that he self-medicated with marijuana to cope with the sexual trauma. The applicant has an extensive mental health history while in the service and there is evidence in his records that he was sexually assaulted. His mental health records revealed an acute decline in his functioning after the assault that required him to receive ongoing psychotherapy and psychiatry services, to include inpatient residential treatment and command referral to ADAPT for substance abuse. Prior to the assault, the applicant had exceptional work performance. He was diagnosed in service with specific trauma and stress related disorder, anxiety disorder, and PTSD, all conditions which should have qualified him for medical board consideration. However, he was discharged from the service for misconduct for unlawful marijuana use. After a thorough review of the service record and input from the board’s psychiatrist, the DRB found that the applicant’s mental health condition was a mitigating factor to the applicant's misconduct. CONCLUSION: The board found sufficient evidence existed to convince the board the discharge was improper. Based on the significant mental health history of the applicant, as well as the diagnosis he received while in service, the board determined procedural error existed as the medical providers did not use discretion and refer the applicant to a medical board. Therefore, the board determined the overall characterization of the applicant’s service was more accurately reflected by an Honorable discharge and the discharge narrative reason was more accurately described as “Secretarial Authority.” Additionally, the reenlistment eligibility code was changed to “2C.” Furthermore, should the applicant seek a medical separation, the board recommends he exercise the right to apply to the Air Force Board for Correction of Military Records.The DRB results were approved by the board president on 19 Feb 20. If desired, the applicant can request a list of the board members and their votes by writing to: Air Force Review Boards AgencyAttn: Discharge Review Board3351 Celmers LaneJoint Base Andrews, NAF Washington, MD 20762-6602 Attachment:Examiner's Brief |