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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00609 |
| The applicant was discharged on 19 Apr 2019 with a Bad Conduct Discharge after being convicted of drug-related and absence offenses during a Special Court-Martial. The applicant appealed for an upgrade of his discharge characterization to Under Honorable Conditions (General) and a change to the discharge narrative reason. The board was conducted on 12 Feb 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 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 3 to 2 to *deny* the applicant’s request to upgrade his discharge characterization to Honorable and to change the discharge narrative reason.  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 was court-martialed on one charge and three specifications of wrongful drug use and one charge and two specifications of failure to report to duty and absent without leave. He was sentenced by a military judge to a Bad Conduct Discharge, confinement and a reduction to Airman Basic.  Due to evidence of post-traumatic stress disorder (PTSD) and other mental health conditions 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 or improper because he was diagnosed with deployment related PTSD and also diagnosed with other mental health conditions. He asserts he was prescribed anti-depressant medications that did not work and caused his misconduct. He further contends his medical condition was not taken into account when deciding his punishment. Upon review of an applicant’s Bad Conduct Discharge as adjudged by a Special Court-Martial, the DRB may change the punitive discharge to an administrative discharge for the purposes of clemency, if warranted. 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, however, it could not completely explain or excuse the misconduct sufficiently to warrant upgrading the discharge.  CONCLUSION: The DRB concluded the applicant’s punitive discharge by a Special Court-Martial was appropriate based on the facts and circumstances of the case and there was no sufficient basis, as an act of clemency, to change the discharge.  If the applicant can provide additional information to substantiate his contentions, the board recommends he exercise the right to make a personal appearance before the DRB or appeal the DRB’s decision to the Air Force Board for Correction of Military Records.  The DRB results were approved by the board president on 19 Feb 2020. 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  Attachment: Examiner's Brief (Applicant Only) | |