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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2019-00755 |
| GENERAL: The applicant was discharged on 7 Feb 19 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. The board was conducted on 27 Feb 20.  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 unanimously to *deny* the applicant’s request to upgrade his discharge characterization to Honorable.  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 a guilty finding from a Special Court-Martial for physical control of a passenger vehicle while intoxicated. The applicant also received two Article 15’s, five Letters of Reprimand, and one Letter of Counseling. His misconduct included: failure to refrain from the use of illegal drugs on multiple occasions; failure to go at prescribed time to appointed place of duty (x6); failure to remain in dorm room while on quarters (x2); failure to refrain from operating a motor vehicle while under the influence of alcohol; and failure to refrain from misusing prescription drugs.  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 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 he struggled with mental health issues after the death of a friend. The applicant states that he was diagnosed with unspecified anxiety disorder. He states that he did not seek help and spiraled out of control. The applicant believes the suicide attempt, subsequent hospitalization, and DUI arrest were a cries for help. He insists that he was discharged with a general instead of receiving a medical retirement. The applicant is currently receiving 100% disability and receiving treatment from The Department of Veterans Affairs.    The DRB reviewed the applicant’s entire record and found evidence of a former supervisor who stated they were aware of the mental health issues and misuse of medication, and documented the leadership’s attempt to provide assistance. The DRB determined that, through the administrative actions taken by the chain of command in this case, the applicant had ample opportunities to change his negative behavior. The DRB found no evidence to indicate the applicant was unaware of the Air Force policy of zero tolerance for illegal drug use. The board found the negative aspects of the applicant’s willful misconduct outweighed the positive aspects of his military service.  After a thorough review of the service record and inputs from the board’s psychiatrist, the DRB found no conclusive indication that any mental health issues had a direct impact on the applicant's misconduct or discharge.  CONCLUSION: The board found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant’s discharge. Therefore, the discharge received by the applicant was deemed to be appropriate and his request was not approved.  The DRB results were approved by the board president on 23 Apr 20. 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) | |