|  |  |
| --- | --- |
| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT** | CASE NUMBER FD-2020-00444 |
| GENERAL: The applicant was discharged on 27 Oct 17 with a Bad Conduct Discharge after being convicted of a drug-related offense during a Special Court-Martial. The applicant appealed for an upgrade of her discharge characterization to Honorable, a change to the discharge narrative reason, and a change to the reenlistment eligibility code. The board was conducted on 13 Aug 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 represented by counsel.  Pursuant to 10 USC §1553, the board included a member who is a psychiatrist/ psychologist 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 2 to 1 to *approve* the applicant’s request to upgrade her discharge characterization to General. The DRB voted 2 to 1 to *deny* a change of the discharge narrative reason to Secretarial Authority, and unanimously to deny a change of the reenlistment eligibility code to 3K.  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 Special Court Martial with a guilty for wrongful use of marijuana; failure to go at the time prescribed to appointed place of duty; derelict in performance of duties; with intent to deceive, made a false official statement; wrongfully possess 40 pills of hydrocodone; wrongfully possess of 20 pills of hydrocodone (x2); wrongfully possess 15 pills of hydrocodone; and on diverse occasions wrongfully use hydrocodone. The applicant also received one Article 15 for wrongful use of Alpha-Temazepam.  Due to evidence of military sexual trauma and multiple 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 because she suffered from documented PTSD triggered by an extensive history of sexual abuse as a child. The applicant states that she was groped underwater by a civilian while floating down a river. She insists the encounter triggered a strong negative response due to her history of sexual assaults between the ages of 8 to 12. The applicant states that she sought assistance from mental health after the incident. She applied and was granted a humanitarian assignment from Travis AFB, CA to Tinker AFB, OK, and allowed to reside off-base with her parents for further mental health support. The applicant was diagnosed with PTSD at Tinker AFB, and attended a six-week inpatient program. She states that during her in-patient treatment, she was prescribed Risperdal, Lunesta, Seroquel, Ambien, and Cymbalta; and after release her psychiatrist later prescribed Prozac and Klonopin. The applicant insists that she reported difficulty following the prescription schedule, and did not believe the Prozac and Klonopin were helpful in treating her PTSD, depression and insomnia. The applicant states that she accepted one tablet of Restoril from a friend during an anxiety attack, in order to avoid going to the emergency room. The applicant states that she began to regress and requested to separate from the military due to her mental health issues. She insists that she met an MEB in Jan 2015 and was awarded a 50% disability rating for PTSD. The applicant states that she became addicted to Hydrocodone after being prescribed the medication for an ovarian cyst. She insists that she sought additional prescriptions from multiple physicians without informing each that she was already being prescribed. She states that she also started using marijuana to self-medicate for symptoms the prescriptions were not treating. She accepted responsibility for her actions and plead guilty to multiple charges including wrongful use of marijuana and opioids. The applicant is requesting the upgrade so that she can receive critical medical treatment through the VA.  The DRB reviewed the applicant’s entire record and found the applicant had a documented history of mental health conditions and pre-service sexual assault which were triggered by the sexual assault. The DRB found no evidence to indicate the applicant was unaware of the Air Force policy of zero tolerance for illegal drug use. However, the board determined that multiple mental health diagnosis and sexual assault while in service mitigate the reason for discharge and may have affected the applicant's ability to serve satisfactorily.  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, and could explain or excuse the misconduct sufficiently to warrant upgrading the discharge.  CONCLUSION: The board found neither the evidence of record, nor that provided by the applicant substantiated an impropriety. However, sufficient evidence existed to convince the board the discharge was inequitable. Therefore, the board determined the overall characterization of the applicant’s service was more accurately reflected by an Honorable and the discharge narrative reason was more accurately described as “Secretarial Authority.” The board did not change the discharge narrative reason or the reenlistment eligibility code.  The DRB results were approved by the board president on 25 Aug 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) | |