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| AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT | CASE NUMBER FD-2023-00108 |
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SUMMARY:

The applicant was discharged on 02 June 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airman* with a General Discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of her discharge characterization.

The applicant was not represented by counsel.

The applicant requested the board be completed based on a records only review. The Board was conducted on 13 July 2023.

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.

DISCUSSION: The Discharge Review Board (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 multiple Article 15s. Her misconduct included: Wrongful use of delta-8-tetrahydrocannabinol, a synthetic form of THC; wrongfully used marijuana.

The documentary evidence the Board considered as part of the review includes, but is not limited to the DD form 293, *Application for the Review of Discharge from the Armed Forces of the United States* and any additional documentation submitted by applicant and/or counsel; the applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the applicant's service information and a summary of the case.

The applicant requested an upgrade because she felt her superior service and resilience was deserving of Honorable character.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety. However, when applying liberal consideration and receiving input from the Board's psychologist, the DRB determined that the applicant's mental health conditions were a mitigating factor to her misconduct and therefore, it deemed the discharge inequitable.

LIBERAL CONSIDERATION:

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 (LC) standards required by guidance from the Office of the Under Secretary of Defense for Personnel and Readiness and 10 USC §1553. The Board included a member who is a physician, clinical psychologist, or psychiatrist. Specifically, the Board reviewed the four questions the Under Secretary of Defense provided that boards should consider when weighing evidence in requests for

modification of discharges due in whole or in part to mental health conditions, including post-traumatic stress disorder (PTSD); Traumatic Brain Injury (TBI); sexual assault, and sexual harassment. The Board considered the following:

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

The applicant checked the box for “other mental health” on the application. The applicant’s request and contentions are unclear. The applicant contended “A change is being requested to veteran’s [applicant name] character of service, due to feelings of an unsatisfactory rating of Airman’s dedication to service. [Applicant] demonstrated what was said to be superior service and extreme resilience in her career with the armed forces. [Applicant] is submitting a review and as many good standing documents as possible to ensure good faith once more.”

2. Did that condition exist/experience occur during military service?

Based on a review of the applicant’s records, the applicant received mental health and substance abuse services during her time in service. A review of the applicant’s records revealed the applicant endorsed maladaptive coping skills that including a pattern of daily heavy alcohol use and marijuana use. Based on a review of the applicant’s records, the applicant noted she was not raised to utilize therapy services and doing so would have made her weak. The applicant’s records reflect the applicant received the diagnosis, in service, of cannabis use disorder and alcohol use disorder.

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

A review of the applicant’s records revealed the applicant was discharged due to misconduct (drug abuse). The applicant’s records revealed that applicant endorsed difficulty adjusting upon return from her deployment and endorsed symptoms of paranoia and feeling overwhelmed. The applicant’s mental health records revealed the applicant reported to mental health providers that she was using alcohol to cope with stress and anxiety symptoms but stopped using alcohol after she felt her use was becoming maladaptive. The applicant’s records reflected the applicant reported she did not consider seeking mental health treatment because she was raised to believe that was for weak people and there is evidence the applicant requested and was denied time off by her leadership for mental health issues. The applicant’s records reflected the applicant reported to her substance use providers that she began using marijuana as a coping skill for her symptoms of distress as she had preservice because she felt it was a last resort. The applicant’s records reflected the applicant stopped using marijuana upon entering the ADAPT program and reported to providers she was benefitting from the skills she acquired. Based on a review of the applicant’s records, there is evidence a mental health condition may have caused or substantially contributed to the misconduct that led to the applicant’s discharge.

4. Does that condition or experience outweigh the discharge?

In considering the totality of the applicant’s service career and based on the available records, there is substantive evidence the applicant’s in-service mental health condition outweighed her discharge.

Additionally, the Board considered the factors laid out in the attachment to the Under Secretary of Defense memorandum, *Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations*, dated 25 June 2018, known as the “Wilkie Memo.” The Board considered the factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum.

FINDING: The DRB voted unanimously *approve* the applicant's request to upgrade her discharge characterization to "Honorable" and to change the discharge narrative reason to "Secretarial Authority." The reenlistment eligibility code was changed to a "2C."

CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge was inequitable based on Liberal Consideration. Therefore, the awarded characterization of service shall change to "Honorable," the narrative reason for separation shall change to "Secretarial Authority," and the reenry code shall change to "2C." The Air Force DRB (AFDRB) results were approved by the board president on 31 July 2023. 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

Instructions on how to appeal an AFDRB decision can be found at

<https://afrbportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)

