

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT**CASE NUMBER****FD-2023-00156**

SUMMARY: The applicant was discharged on 24 May 2010 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Minor Infractions). The applicant appealed for an upgrade of his discharge characterization, a change to the separation code, and a change to the reenlistment eligibility code.

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 20 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 an Article 15 and a Letter of Reprimand. His misconduct included: failure to obey orders, underage drinking, and driving under the influence of alcohol.

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 contended he struggled with substance use disorder prior to joining the service and the entire time he was serving. He claimed he has taken every step since his discharge to change his life. He further claimed he has successfully completed a substance use program and is now employed as a substance use peer counselor.

A review of the applicant's records revealed he had two alcohol related incidents within two months. He was punished under Article 15 and issued a Letter of Reprimand. He was command referred to ADAPT and refused an evaluation or treatment services. He was subsequently discharged. He submitted documentation with his application that he had successfully completed a substance abuse program since his discharge. He also submitted documentation that he is employed as a Lead Peer Support Specialist at a recovery center.

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 contend that a condition or experience may have excused or mitigated their misconduct or discharge?

The applicant checked the box for “other mental health” on the application. The applicant contended “I have struggled with substance use disorder for many years, even during my military service. I have since taken every step I could to change my life. Now I work as a professional in the mental health/substance use field. I use my past as an asset to assist others that are struggling.”

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

There is no evidence the applicant sought or received any mental health treatment during his time in service. There is evidence the applicant was command referred to ADAPT during his time in service and refused the evaluation.

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

The applicant’s records reflected he was discharged with a General characterization of service due to misconduct (minor infractions). A review of the applicant’s records revealed he received multiple disciplinary actions for alcohol related misconducts.

In the applicant’s personal statement he stated “unfortunately at a young age, I developed risky patterns of substance use. Those patterns carried with me into my military service.” The applicant’s statement reflected his substance use as likely as not existed prior to service (EPTS). Based on a review of the available records, there is no evidence of a nexus between the applicant’s maladaptive substance use and an underlying unfitting mental health condition. There is also no evidence of service aggravation. Substance use disorders with no nexus to an underlying mental health condition are unsuited for military service. While the applicant’s pattern of substance use may explain the misconduct that led to his discharge, the applicant’s discharge is not mitigated by the maladaptive substance use.

4. Does that condition or experience outweigh the discharge?

Because the applicant’s discharge is not mitigated it is also not outweighed.

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 and found no evidence of impropriety or inequity.

FINDING: The DRB voted unanimously to **deny** the applicant’s request to upgrade his discharge characterization to Honorable and change the separation and reenlistment eligibility codes. The DRB also voted unanimously to **deny** changing the narrative reason.

Should the applicant wish to appeal this decision, the applicant must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, all applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR, otherwise their AFBCMR case will be administratively closed until such time that the applicant avails themselves of the available avenue of relief. Therefore, should the applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

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 proper and equitable. Therefore, the awarded characterization of service shall remain, the narrative reason for separation shall remain, and the separation and reenlistment codes shall remain. The Air Force DRB (AFDRB) results were approved by the board president on 26 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)

