

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00183
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SUMMARY: The applicant was discharged on 13 October 2011 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Alcohol Rehabilitation Program Failure. The applicant appealed for an upgrade of his discharge characterization, a change to the discharge narrative reason and associated 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 03 August 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 Counseling. His misconduct included: speeding, failure to go, and incapacitation for duty due to overindulgence in 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 was dealing with post-traumatic stress disorder (PTSD) and this was the reason for his mistakes. He claimed he had turned his life around and manages his mental health better and has continued to be a fire fighter. He has been diagnosed by the Department of Veterans Affairs (DVA) with PTSD and given a 50% disability rating.

A review of the applicant's record revealed he had multiple alcohol related incidents. He failed to report to duty and when his leadership tracked him down, he reported to work intoxicated. A breathalyzer was administered, and he blew a .017. He was punished under Article 15 and referred to ADAPT, however, was not given an alcohol diagnosis at that time. He was referred again to ADAPT a couple months later for again reporting to duty intoxicated. A treatment plan was then established for the applicant. Several months later he was found by local police passed out drunk in a local resident's yard. There were also several reports of the applicant driving his vehicle in an erratic manner prior to being found in the yard. The ADAPT program manager considered him a program failure as he did not comply with rules and alcohol abstinence. While in the service he claimed his divorce led to his drinking excessively.

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 "PTSD" on his application. The applicant contended "I was a fire fighter, and I was dealing with PTSD that the VA has granted me 50% disability for. I do believe it was the reason for my mistakes. I have turned my life around and I am managing my mental health better. I have even continued to be a fire fighter. I am hoping you see that I am trying to better my life and a discharge upgrade would be very helpful."

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 no evidence the applicant exhibited any clinically significant features of PTSD, or any other mental health condition, during his time in service. There is no evidence or records to substantiate the applicant's contention that he developed PTSD during his time in service. The applicant's records reflected he was command referred to ADAPT due to maladaptive alcohol use during his time in service. A review of the applicant's records revealed the applicant denied any mental health symptoms during his time in service, although he did report he was experiencing marital problems and financial strain.

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

A review of the applicant's records revealed he was discharged with a general character of service due to "alcohol rehabilitation failure." The applicant's records reflected a pattern of maladaptive alcohol use for the duration of his time in service resulting in disciplinary action and discharge. The applicant's records reflected the applicant's First Sergeant encouraged him to self-refer to the ADAPT program but he declined and was subsequently command referred less than a month later due to alcohol related misconduct. A review of the applicant's response revealed he was experiencing marital and financial problems. The records reflected the applicant was enrolled in a substance misuse program; however, the applicant's provider stated, in a memorandum to the commander, "Despite knowledge of the rules of the treatment program, the member continued to drink throughout care and only reported use after having another alcohol related incident. Due to his non-compliance with his treatment plan and goals, he is considered to have failed the ADAPT program."

The applicant submitted his DVA rating letter as evidence in support of his claim. Based on a review of the available records, and the documents submitted by the applicant, there is no evidence the applicant had received any post-service mental health care or service. Regarding the applicant's concurrence with his DVA ratings, the DVA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release for service, or the length of time that has transpired since the date of discharge. The DVA may also conduct periodic

reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the “snapshot in time” of the applicant’s service, there is no evidence the applicant had a mental health condition that caused or mitigated the misconduct which led to the applicant’s discharge.

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, to change the discharge narrative reason and separation code to Secretarial Authority, and to change the reenlistment eligibility code to 2C or 3K.

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 and associated separation code for separation shall remain, and the reentry code shall remain. The Air Force DRB (AFDRB) results were approved by the board president on 10 August 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

