

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00184
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SUMMARY: The applicant was discharged on 25 March 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable (UOTHC) for Misconduct (Drug Abuse). The applicant appealed for an upgrade of his discharge characterization and a change to the discharge narrative reason.

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 for failure to go.

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 checked the post-traumatic stress disorder (PTSD) and other mental health boxes on his application. He claimed he had multiple deployments during his time in the military where he was exposed to dangerous conditions including multiple close-by mortar attacks. He also claimed to have had two troubled marriages that resulted in divorce. Furthermore, he was returned early from a yearlong deployment when his second wife endangered his children by bringing another man and drugs into his house.

Due to his situation, the applicant claimed that he felt devastated and was in a dark place which led to him using an illegal substance to "numb his pain." He self-admitted to the use to his leadership and was referred to treatment. He claimed he was diagnosed with PTSD, anxiety, depression, and trauma. After treatment, he contended his leadership failed him by sending him back to the same house despite his requests to move to another base, which led to his relapse. He admitted in his application to using illegal substances multiple times.

A review of the applicant's record revealed he self-reported using methamphetamine multiple times. He was evaluated by mental health providers and agreed to a residential treatment program. After completion of the in-residence program he was entered into an intensive outpatient program, however had multiple issues of non-compliance, so was returned to an inpatient program. He was discharged from this program due to

inappropriate behavior and continued use of methamphetamine. He was considered a program failure and continued individual mental health treatment sessions until his discharge from the Air Force.

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 boxes for "PTSD" and "other mental health" on his application. The applicant contended (in part) "My integrity kept me from continuing down the road that led to a dishonorable discharge. I was referred to ADAPT where they immediately sent me to get help. I went to a treatment facility where I underwent treatment and that is where I was diagnosed with PTSD, anxiety, depression, and trauma. I felt that I had done the right thing by self-admitting."

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

There is evidence the applicant was escorted to mental health by his leadership during his time in service due to the applicant reporting methamphetamine use. The applicant's records reflected he was command referred to ADAPT and received substance use services and mental health treatment during his time in service. The applicant's records reflected he received the diagnosis, in service, of stimulant use disorder: methamphetamine. The applicant's records reflected his in-service providers attributed the applicant's reported mental health symptoms to his substance misuse. There is no evidence or records the applicant received the diagnosis, in service, of PTSD.

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

The applicant's claims are contradictory to the records from the applicant's time in service. A review of the applicant's records revealed he received the diagnosis, in service, of "other stimulant use disorder, methamphetamine." There is no evidence or records, to substantiate the applicant's claim that he received a diagnosis of PTSD, or any other mental health diagnosis, during his time in service. The applicant's records also revealed he was discharged from the treatment facility by the staff prior to completing treatment due to inappropriate behavior with staff, unexcused absences, and poor engagement in treatment. There is no evidence or records the applicant's choice to use substances in service was due to an underlying mental health condition. The applicant's records and personal statement reflected the applicant had marital problems and psychosocial stressors related to his partners' substance use, this does not constitute a mental health condition that mitigated the misconduct that led to his discharge.

4. Does that condition or experience outweigh the discharge?

Based on the available records for review, no error was found in the applicant's discharge processing. 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 to change the discharge narrative reason to Secretarial Authority. The DRB also voted unanimously to *deny* changing 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 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://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

