

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00189
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SUMMARY: The applicant was discharged on 3 April 2008 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct. The applicant appealed for an upgrade of his discharge.

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 multiple Article 15s. His misconduct included: dereliction of duty, 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 that at the time of his discharge his unit was kicking several Airmen out of the service. He claimed he only had two months left on his enlistment and asked his command to be discharged early which led to his type of discharge. He also contended that he was going through a divorce which led to him drinking more and making careless decisions. He further claimed he was struck in the head and was recovering from a pseudoaneurysm.

A review of the applicant's record revealed he had multiple alcohol related incidents of misconduct. The evidence showed he failed to report for duty. When the unit contacted him, he drove to the base under the influence of alcohol. A blood test was administered, and he was one and a half times over the legal limit. He was punished under Article 15 for the incident. Two months later he was found sleeping on duty. He appeared to be intoxicated and another blood test was administered with a resulting .04 BAC level. He had been in the ADAPT program and the program manager diagnosed him with alcohol abuse and determined his continued service was not in the best interest of the Air Force. He also was previously punished under Article 15 for dereliction of duty for leaving the flight line with a fire truck without permission.

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 his application. The applicant contended "During the time of my discharge everyone was getting kicked out of the military. I had overheard the First Sergeant tell all the staff sergeants to write people up every day even if they did nothing wrong. I went to the commander and asked for my discharge a couple months early since they were trying to kick people out. I did not understand this would affect my discharge type, where I would not be able to use the GI Bill." The applicant also contended "I was going through a tough divorce and made a couple careless decisions in a couple months period of time after I was struck in the head and taken off duty while recovering from a pseudoaneurysm. I started drinking more and was given a drunk on duty."

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 a mental health condition during his time in service. The applicant's records revealed he was referred on multiple occasions to ADAPT due to maladaptive alcohol use; the records indicated he denied any symptoms of a mental health condition and denied problematic alcohol use during his time in service.

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 misconduct. A review of the applicant's records revealed he exhibited a pattern of maladaptive social alcohol use and alcohol related misconduct for the near duration of his time in service. There is no evidence the applicant sought or received any mental health treatment during his time in service. The applicant contended in his personal statement that he was going through a divorce and was struck in the head. The applicant did not submit any records to substantiate his claims and there is no available evidence or records to substantiate these claims, or in the records available for review. There is no evidence or records the applicant exhibited any clinically significant features of a mental health condition during his time in service. There is also no evidence, based on the available records, a mental health condition caused or mitigated the misconduct that 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 did not find any evidence of impropriety or inequity.

FINDING: The DRB voted unanimously to *deny* the applicant’s request to upgrade his discharge characterization to Honorable. The DRB also voted unanimously to *deny* changing the discharge narrative reason to Secretarial Authority and 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 8 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)

