

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT</b>	<b>CASE NUMBER</b> <b>FD-2023-00191</b>
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**SUMMARY:** The applicant was discharged on 26 November 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of his 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 24 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 reentry 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 wrongful use of 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 contended he had mental health issues (persistent depressive disorder) that caused his misconduct and led to his discharge. He claimed he otherwise served honorably.

A review of the applicant's records revealed he was punished under Article 15 for wrongful use of marijuana. The record reflected the applicant waived his rights to submit a response to the discharge action. The applicant submitted a DVA disability rating letter with his application that did not indicate what condition(s) he had been rated for.

**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 joined the Air Force after attending university for a year with the thoughts of getting the rest of my college paid for as I come from a lower-class family in Mississippi, and to be able to travel the world and be a part of something I knew was bigger than myself.” The applicant also contended “while I experienced the good and bad, the bad gave me horrible trauma and caused me to have Persistent Depression Disorder. These mental health issues led to my misconduct and discharge.”*

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

*A review of the applicant’s records revealed he attended two sessions with a mental health provider after he came under investigation for substance use during his time in service. The applicant’s records indicated he reported symptoms of depression and anxiety related to relational stressors, a positive drug test, and pending administrative separation. The applicant received the diagnosis, in service, of depression, unspecified.*

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 (drug abuse). Based upon a review of the applicant’s record, the applicant reported a pre-service history of marijuana use to his providers. The applicant denied any mental health concerns or referrals on his annual physical and mental health screenings, declined ADAPT services for substance misuse, and requested to terminate mental health services for his reported mental health symptoms during his time in service. The applicant did not demonstrate, nor is there any evidence based upon the available records, of a nexus between the misconduct that led to the applicant’s discharge and the applicant’s reported mental health symptoms in service.*

4. Does that condition or experience outweigh the discharge?

*Because the applicant’s condition did not excuse or mitigate the discharge, the applicant’s discharge 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 inequity or impropriety.

**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 and the reentry code.

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 28 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)

