

**SUMMARY:** The applicant was discharged on 30 January 2023 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 her 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 28 September 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 wrongful use of delta-9-tetrahydrocannabinol.

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 she was diagnosed with PTSD and Major Depressive Disorder while serving in the Air Force. She claimed she knew her actions led to her discharge but requested clemency so she can have access to educational benefits.

A review of the applicant's records revealed she tested positive for THC 9 subsequent to urinalysis testing. She was punished under Article 15, UCMJ for wrongful use of delta-9-tetrahydrocannabinol. In her response to the Article 15 and the discharge action she claimed she was dealing with mental health issues and experimented with the drug to see if it would make her feel better. She admitted to not utilizing the resources available to her properly and accepted responsibility for her actions. She submitted some medical records from inpatient treatment program, other mental health counseling, and anger management courses.

**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 the application. The applicant contended "I believe that this decision [to upgrade the discharge] should be made because of my character. Since enlisting in the Air Force, I have been diagnosed with PTSD and Major Depressive Disorder due to events that occurred during my service. I wish to continue seeking trauma therapy and continue to take the medication prescribed to help manage the day to day. I understand that my actions alone led to this discharge, but I am requesting clemency for these actions so that I can finish college and help others deal with these very same struggles."*

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

*A review of the applicant's records revealed she received outpatient and intensive outpatient mental health services during her time in service related to her reported stressors of childhood trauma, marital stress, and occupational stressors. The applicant's records revealed she received the diagnoses, in-service, of PTSD (childhood trauma), borderline personality disorder, and adjustment disorder. The applicant's records revealed she was command referred to ADAPT due to a positive drug screen and she deferred services.*

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

*A review of the applicant's DD214 revealed she was discharged with a General service characterization due to misconduct (drug abuse). The applicant's records revealed her diagnosis of PTSD existed prior to service. The applicant reported to providers that she experienced significant distress after being in a car accident but there is no evidence the applicant's PTSD was service aggravated by the natural progression of the illness. The applicant's records also revealed she participated in psychological testing during her time in service and received the diagnosis of borderline personality disorder. The applicant's records also revealed she reported occupational stressors and "work incidents" during her time in service and received the diagnosis of adjustment disorder. The testimony provided by the applicant in the application stated "I understand that my actions alone led to this discharge, but I am requesting clemency for these actions so that I can finish college and help others deal with these very same struggles." The presence of a mental health condition, in and of itself, does not mitigate misconduct. A review of the applicant's records revealed she deferred ADAPT service pending the outcome of the investigation and there is no evidence, based on the available records, of a nexus between the applicant's in service mental health conditions and the misconduct that led to her discharge.*

4. Does that condition or experience outweigh the discharge?

*Based on review of the applicant's records, the applicant's mental health conditions were known and fully considered by the applicant's command during the discharge process. No error was found in review of the applicant's records, thus the applicant's discharge is 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 inequity or impropriety.

**FINDING:** The DRB voted unanimously to *deny* the applicant's request to upgrade her discharge characterization. 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 "General," the narrative reason for separation shall remain "Misconduct (Drug Abuse)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 02 October 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)

