

SUMMARY: The applicant was discharged on 08 January 2016 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions (UOTHC) discharge for a pattern of misconduct. The applicant appealed for an upgrade of his discharge characterization and a change to the discharge narrative reason and associated separation 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 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 reenry 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 impeding an administrative proceeding.

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 his misconduct was related to his drinking problem. He claimed he was fighting alcohol addiction which was bred in the military and his started when his grandmother was diagnosed with a serious illness that she eventually died from. He claimed he didn't get the proper treatment for his addiction problem until after he left the military.

A review of the applicant's record revealed he produced false Permanent Change of Station (PCS) orders to break his lease with an off-base housing agency. He later produced a false set of orders for a fellow Airman so that he could attempt to do the same thing. He also was punished under Article 15, UCMJ for drafting fraudulent documents in an attempt to prevent the Air Force from learning of his off-duty misconduct. Finally, he had 2 DUIs in a 3-month time-period and spent 3 days in county jail.

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 served honorably for four years but was discharged in 2016 due to a pattern of misconduct. The pattern was related to drinking issues, and included a DUI that led to an Article 15 and a jail sentence during my enlistment. In 2013 I was fighting an addiction to alcohol which was bred in the Air Force culture of comradery amongst enlisted peers and known alcohol abuse by military personnel, but was mainly started due to the fact that my grandmother, who raised me as my legal guardian since I was two, was diagnosed with breast cancer and eventually died in 2015 around the time my addiction, mental health problems and legal/military issues peaked. I didn't get the proper treatment for my addiction until exiting the Air Force but have since turned back into the outstanding Airman I once was regardless of what my DD 214 says."

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

A review of the applicant's in-service records revealed he was referred to ADAPT on two occasions during his time in service due to maladaptive alcohol use, with the first referral being after eight months time in service. There is no evidence the applicant endorsed or exhibited any clinically significant indicators of a mental health condition during his time in service. The applicant's records also revealed he reported to providers he did believe his alcohol use to be problematic during his time in service.

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

A review of the applicant's DD 214 revealed he was discharged with a General character of service due to a pattern of misconduct. There is no evidence a mental health condition caused the misconduct that led to the applicant's discharge. The applicant reported he chose to use alcohol in a way that was incompatible with military service, which may explain the applicant's misconduct, but it does not mitigate the misconduct. Additionally, it is unlikely that a mental health condition would cause or substantially contribute to the applicant's multiple incidents of willfully creating false documents for himself and others.

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 inequity or impropriety.

FINDING: The DRB voted unanimously to **deny** the applicant's request to upgrade his discharge characterization and to change the discharge narrative reason and associated separation code. The DRB also voted unanimously to **deny** changing 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 "UOTHC," the narrative reason for separation shall remain "Pattern of Misconduct," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 03 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://afrbaportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)

