

SUMMARY:

The applicant was discharged on 22 March 2021 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 reentry code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 14 November 2023. No witnesses were present to testify on the applicant's behalf.

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. Her misconduct included: 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 requested an upgrade of her reentry code so that she may re-enlist and prove to herself and those she disappointed that she has grown and can follow through with her commitments. She concluded that there is no evidence attached because she believes that there is nothing to justify her original mistake but wishes to have a second chance.

After a thorough review of the evidence provided, the DRB determined that there was no inequity or impropriety within the discharge that would warrant an upgrade. Additionally, the applicant was aware of the Air Force's zero tolerance policy for illegal drug use but chose to use edibles. The Board concluded that the discharge received, was appropriate.

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 have a condition or experience that may excuse or mitigate the discharge?

The applicant checked the box for "other mental health" on the application. The applicant contended "I wish to request an upgrading of my re-entry code so that I may re-enlist in the US Military and prove to myself as well as those that I disappointed with the action that resulted in my discharge, that I am stronger than my initial weakness. I have worked tirelessly on my mental struggles and my regret in not pushing through to the end of my Air Force enlistment haunts me almost daily. I desire a second chance to follow through on my commitment to the United States military. I do not wish to attach evidence because I believe there is nothing to justify my original mistake. I can only move forward to demonstrate how I have grown."

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

There is evidence the applicant sought and received mental health services during her time in service. The applicant received the diagnoses, in service, of adjustment disorder, and major depressive disorder. The applicant's records reflect she reported symptoms of depressed mood, loss of interest, and avoidance of situations in which she may be criticized due to fear of failure and rejection.

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

A review of the applicant's available records indicated she recognized having depressive symptoms during her time in service and reported worsening of her symptoms in response to incidents such as perceived failure or negative comments. The applicant's records also revealed that she reported to her provider feeling her life was easier when her father told her what to do and did not enjoy "adulthood" as she found it overwhelming. Further, her records showed the applicant described symptom development in response to relational stressors (geographic separation), occupational stressors, and difficulty adjusting to the military lifestyle and a lack of adaptive coping skills. During the applicant's personal appearance hearing, the applicant stated she developed symptoms of low mood and feelings of isolation related to the COVID-19 lockdowns, her established support structure relocating, and supervision changes within the squadron. The applicant was discharged due to drug use. According to her records and per the applicant's testimony at her personal appearance hearing, she used marijuana in a social setting with a group of civilian friends she met online who pressured her to use edibles. There is no evidence the applicant's in service mental health condition caused the misconduct(s) that led to the applicant's discharge.

The applicant contended in her application that she has "worked tirelessly on my mental health struggles" but did not provide any post-service records or documentation to substantiate this claim or clarify what her "mental health struggles" are or how they have been addressed for her to re-enter service. The applicant also stated "I do not wish to attach evidence because I believe there is nothing to justify my original mistake." Based on a review of the available records and in consideration of the applicant's testimony at her personal appearance hearing, at the "snapshot in time" of the applicant's service, there is no evidence the applicant's mental health condition caused or mitigated the misconduct which 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 condition was known and fully considered by the applicant's command during the discharge process, despite the applicant choosing to conceal her drug use. 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, to change the discharge narrative reason, and to change the reentry code.

Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

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 “4H.” The Air Force DRB (AFDRB) results were approved by the Board president on 21 November 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)