

SUMMARY: The applicant was discharged on 8 January 2018 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Misconduct (Pattern of Misconduct). The applicant appealed for an upgrade of his discharge characterization and a change to the discharge narrative reason.

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 26 October 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 multiple Letters of Reprimand and a demotion action. His misconduct included: driving under the influence of alcohol twice, refused field sobriety test, and failed to obey conditions of his bail.

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 he was suffering from alcoholism and depression and was too ashamed of his actions to seek the medical help that he needed.

A review of the applicant's record revealed he had two off-base DUIs within a short amount of time. He was administratively counseled and demoted for the misconduct and subsequently discharged. No further information was available in the record, or provided by the applicant, of the disposition of the charges against him.

LIBERAL CONSIDERATION:

Due to the applicant's contention of a mental health condition, 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 “At the time of my discharge I was suffering from alcoholism and depression, I was too ashamed of my actions to seek the medical health that I needed.”

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 or endorsed any clinically significant features of depression, or any other mental health condition, during his time in service. There is no evidence or records to substantiate the applicant’s contention that he had depression during his time in service. A review of the applicant’s in-service records revealed he was command referred to ADAPT on two occasions for two separate incidences of driving under the influence of alcohol, and he participated in alcohol education classes. The records revealed the applicant denied any mental health symptoms, denied problematic alcohol use, and declined referrals to mental health resources.

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

A review of the applicant’s DD214 revealed the applicant was discharged with a General character of service due to a pattern of misconduct. The applicant received two DUI’s two months apart at two different installations. The records revealed that, in both instances, the applicant willfully chose to drive while intoxicated after leaving a bar after socializing with peers. 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 revealed he denied any mental health symptoms and denied maladaptive alcohol use during both of his intake sessions with ADAPT and his subsequent alcohol education classes. There is no evidence or records to substantiate the applicant’s contention that a mental health condition caused or mitigated the misconduct that led to his discharge.

4. Does that condition or experience outweigh the discharge?

There is no evidence or records to substantiate the applicant’s contention that he had a mental health condition in service. Because the applicant’s discharge is not mitigated or excused, 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. 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.

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 (Pattern of Misconduct)," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the board president on 1 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

