

SUMMARY: The applicant was discharged on 22 June 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 her 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 16 November 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 and a Letter of Reprimand. Her misconduct included: wrongful possession and theft of a prescription medication and inappropriate relationship with an officer.

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 did not abuse drugs and does not have a drug abuse problem. She claimed throughout her career she was sexually abused and harassed by other military members. She also claimed she was diagnosed with service-related PTSD for her experiences in the military.

A review of the applicant's record revealed she was punished under Article 15 for wrongful possession of Ambien and stealing Ambien from another Airman. In her response to both the Article 15 and the discharge action, she claimed she borrowed an Ambien pill from another Airman and did not steal it. Furthermore, she claimed to have her own prescription for Ambien but could not get to the pharmacy in time to refill it, therefore, she asked to borrow one. She also claimed she felt coerced by law enforcement investigators to answer their questions and did not invoke her rights to consult an attorney. Additionally, although not a basis for the discharge action, the applicant was reprimanded for having an inappropriate relationship with an officer which she denied.

LIBERAL CONSIDERATION:

Due to the applicant's contention of 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 boxes on the application for "PTSD," "other mental health," and "sexual assault/harassment." The applicant contended "I did not abuse drugs and passed ADAPT stating I have no drug or alcohol abuse problems. Throughout my career I was sexually abused and harassed by military members both enlisted and officer, that was also reported by other officers who witnessed it. I was diagnosed with service-related PTSD for my experiences in the military. I have never abused drugs and tried to prove such to my command many times. I humbly request you upgrade my discharge due to my undiagnosed PTSD at the time. I served honorably, and sacrificed a lot during my deployment, and want to be proud of my service."

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

There is no evidence or records the applicant received the diagnosis of PTSD nor endorsed or exhibited any clinically significant indicators of PTSD during her time in service. The applicant was command referred to ADAPT and she adamantly denied she abused drugs (Ambien) or alcohol. There is also no evidence the applicant sought or received any mental health services during her time in service. The applicant contended she experienced sexual assault and sexual harassment; however, no additional evidence or testimony was provided by the applicant regarding her experience, in service, of sexual assault or sexual harassment and there were no objective records for the duration of the applicant's time in service that were indicative of her contention of experiencing sexual assault or sexual harassment in service.

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 Under Honorable Conditions (General) characterization of service due to misconduct (drug abuse). On her application, the applicant adamantly denied she committed the misconduct for which she was discharged. The applicant contended she experienced sexual assault and sexual harassment during her time in service although she did not provide any clarifying information or testimony about these experiences such as when during her time in service they occurred, the impact these experiences had on her mental health, or how these contended experiences affected her ability to perform her duties. In addition to the applicant denying, on multiple occasions to multiple medical and mental health providers, being in an environment where she was experiencing harassment or abuse, there is no evidence the applicant exhibited any clinically significant indicators of harassment or abuse during her time in service. It is possible the applicant experienced sexual assault and sexual harassment; however, the burden is upon the applicant to substantiate her claim and demonstrate how her experiences mitigated her discharge with respect to her contention that she did not commit the misconduct for which she was discharged. Moreover, there is no evidence the applicant sought or received any mental health services during her time in service. The applicant was assessed by ADAPT providers during her participation in substance misuse education classes and the records revealed she denied all

mental health symptoms and, in addition to denying substance misuse, did not endorse or exhibit any clinically significant indicators of a mental health condition.

4. Does that condition or experience outweigh the discharge?

Based on a review of the available records, no error was found in the applicant's discharge processing. 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 her discharge characterization and 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.

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 "Secretarial Authority," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Board president on 20 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)