

**SUMMARY:** The applicant was discharged on 8 October 2010 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) service characterization discharge for Misconduct (Drug Abuse). The applicant appealed for an upgrade of his 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 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 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 multiple Article 15s for disobeying an order, unlawful entry, and wrongful use of Spice.

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 while he was deployed to Afghanistan, he was prescribed an antimalaria medication which caused him severe mental health issues. He claimed despite his best efforts to be a good Airman his mental health declined, and he accepted an administrative discharge. He further claimed had he received proper mental health counseling he would have been able to complete his career.

A review of the applicant's record revealed he was punished under Article 15 for wrongful use of Spice. In his response to the Article 15, he initially denied use, but later admitted to it. He received punishment under a previous Article 15 for breaking off-base curfew orders and unlawful entry.

**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 boxes for "PTSD" and "other mental health" on the application. The applicant contended "I am writing to petition for a discharge upgrade from my early discharge from the Air Force due to the prescription of Mefloquine and the lack of appropriate mental health counseling during my deployment to Afghanistan."*

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

*A review of the applicant's medical and mental health records revealed he received mental health services during his time in service and received the diagnoses of Depression with anxiety and post-traumatic stress disorder (PTSD). The applicant's records revealed he denied mental health conditions until his separation health physical, at which time he was medically referred to the mental health clinic due to endorsing mental health symptoms related to his deployment experiences. The applicant's mental health records revealed he engaged in mental health services and reported marked improvement within weeks.*

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

*A review of the applicant's DD214 revealed he was discharged with a General character of service due to misconduct (drug abuse). The applicant's documented misconduct included failing to remain on base during restricted hours, unlawfully entering a Japanese place of business, and using Spice, for which he received two Article 15s approximately five months apart.*

*The applicant's contentions and testimony conflicted with the available records from his time in service. The applicant contended (in part) "I am writing to petition for a discharge upgrade from my early discharge from the Air Force due to the prescription of Mefloquine and the lack of appropriate mental health counselling during my deployment to Afghanistan." The applicant contended the anti-malaria medication caused him to experience "anxiety, depression, and hallucinations" and also contended he did not receive the necessary mental health counseling to address them. The applicant contended "I believe that if I have been provided the necessary mental health counseling, I would have been able to continue to serve in the Air Force." The applicant further contended "I was discharged due to drug use but I never did any illegal drugs, I never failed a drug test and was never caught with drugs of any kind." A review of the applicant's records revealed he was discharged due to misconduct, not due to a mental health condition. The applicant's records also revealed he acknowledged that he had used Spice on a few occasions prior to coming under investigation but did not like the effects.*

*A review of the applicant's response to his Article 15 for drug use revealed he denied using Spice and stated he was working to rebuild his reputation with the command after his previous misconduct (unlawful entry and failing to remain on base during restricted hours). Although in other records, the applicant endorsed use of Spice prior to being under investigation.*

*The applicant's discharge processing records revealed he was seen in the mental health clinic and did receive a diagnosis of PTSD. The applicant's mental health records revealed he sought and received treatment for his symptoms and reported improvement. After the applicant was notified of his command's intent to administratively separate him, the applicant inquired about discharge through a Medical Evaluation Board (MEB). The applicant received two concurring medical opinions that, in the absence of his administrative separation, he would not have been considered for an MEB because he responded favorably to treatment and there was no indication the applicant's work duties were impaired by his symptoms. The applicant's in-service provider opined that his maladaptive alcohol use may have been an attempt to alleviate some of his PTSD symptoms, but opined there was no nexus to his mental health and his Spice use. The Board acknowledged the applicant exhibited and endorsed symptoms of PTSD during his time in service but found no mitigating nexus between the applicant's mental health condition and the misconduct that led to his discharge. Further the Board found the severity of the applicant's misconduct of unlawful entry to outweigh any mitigation.*

*Additionally, the applicant's medical records were reviewed based on his contention the antimalaria medication caused mental health problems. The Board noted some of the documented side effects, which are rare, are mood changes, bad or vivid dreams, agitation, suicidal thoughts, and behavior. However, the Board concluded there was no nexus between these potential side effects and his use of Spice.*

4. Does that condition or experience outweigh the discharge?

*Based on review of the applicant's records, the Board determined his 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 his 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 his 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 1 December 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)

