

SUMMARY:

The applicant was discharged on 06 August 2018 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 his discharge characterization, a change to the discharge narrative reason, and a change to the reentry 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 18 January 2024.

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. His misconduct included: wrongfully using 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 contended that during a vacation, he turned to marijuana to alleviate the stress and pain he was enduring. This admission, made a year later, ultimately lead to a general discharge. The applicant underscores the prevalence of stress, pain, and depression as pervasive challenges within the military, significantly impacting both mental and physical well-being. Furthermore, the applicant highlights the sense of disconnection felt by his spouse in the military environment. He explained that despite actively seeking assistance from the mental health clinic, these efforts proved ineffective. In 2016, the applicant was involved with a severe motorcycle accident. He indicated that in order to cope with the subsequent pain, stress, and depression, he resorted to marijuana. The applicant indicated that post-service he obtained a marijuana card for chronic pain and PTSD through evaluation by a licensed professional.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity that would justify a discharge upgrade. While acknowledging the challenges faced by the applicant post-service, the Board concluded that the discharge received was appropriate for the circumstances.

LIBERAL CONSIDERATION:

Due to evidence of a mental health diagnosis and/or experiences of sexual assault or sexual harassment and/or records documenting that one or more symptoms of mental health conditions and/or experiences of sexual assault or sexual harassment existed/occurred during military service found in the applicant's 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, psychiatrist or social worker with training on mental health issues connected with PTSD or TBI or other trauma. 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 PTSD; 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 contended "during my enlistment period, I used marijuana during a vacation period to help me cope with the stress and pain that I was dealing with. A year later, I came forth with this information and was later discharged under honorable conditions (general). The applicant also contended "I later in 2016 had a horrible motorcycle accident where I broke bones in my leg and a bone in my wrist. I went through two surgeries to correct the issues I was having. I needed up going on vacation at some point and was influenced into using marijuana to help me cope with the pain, stress, and depression, I was going through."

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

There is no evidence the applicant sought or received any mental health services during his time in service. There is evidence the applicant reported difficulty sleeping due to pain and was treated for insomnia due a medical condition by his medical team during his time in service. There is no evidence the applicant endorsed any clinically significant indicators of a mental health condition during his time in service.

3. Does that condition, or experience 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 misconduct (drug abuse) with three years, ten months, fourteen days' time in service.

The applicant indicated in his response to discharge notification that he was using marijuana to deal with physical pain because of his motorcycle accident. There is evidence the applicant reported sleep difficulties related to his physical pains, and it is also noted the applicant had a pre-service history of marijuana use, which may explain the applicant's drug use, but it does not mitigate the applicant's misconduct. The applicant stated in his personal statement that his spouse was unhappy living in Wyoming, he felt out of place at his workstation, and experienced stress related to his environment and motorcycle accident. Based on the available evidence in the applicant's records along with the applicant's testimony in his application, there is evidence the applicant was having difficulty adjusting to the military lifestyle. The applicant reported he chose to use drugs(marijuana) in a way that was incompatible with military service, which may explain the applicant's drug use, but it does not mitigate the applicant's misconduct.

4. Does that condition, or experience outweigh the discharge?

Because the applicant's discharge is not mitigated by a mental health condition, the applicant's discharge is also not outweighed by a mental health condition.

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, to change the discharge narrative reason, and to change 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 presiding officer on 22 January 2024. 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)

