

SUMMARY:

The applicant was discharged on 15 July 2015 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 their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

The applicant requested the board be completed based on a records only review. The Board was conducted on 29 February 2024. The applicant was not represented by counsel.

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 and a Letter of Reprimand. Their misconduct included: Failure to Meet Minimum Fitness Assessment standards, 2nd Failure in 24 Months, and 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 contended that during their time at Columbus Air Force Base, they grappled with PTSD, a condition that significantly impacted their well-being. The applicant stated that they were misled during the recruitment process and subsequently placed in a role as an aircrew flight equipment specialist, causing considerable stress, anxiety, and a progression of panic attacks throughout their career. The applicant received 100% VA disability connected to PTDS in 2022, which they feel is linked to their time in service. The applicant requests liberal consideration for their request to upgrade their discharge.

The DRB noted that the applicant, while acknowledging service-related stressors, omitted that the discharge resulted from drug abuse. Failing two urinalysis identified to the command that this was not a one-time occurrence. The applicant's decision not to appeal the Article 15 and to waive their right to provide a statement indicated a clear understanding of the Air Force's zero-tolerance policy on drug abuse. Despite the applicant's claim of mental health conditions, the DRB found no evidence that their mental health contributed to this misconduct. Ultimately, the DRB determined that the applicant's conduct and drug use are incompatible with military service, concluding that the discharge was neither improper nor inequitable.

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 post-traumatic stress disorder (PTSD) or traumatic brain injury (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 checked the box for "PTSD" on the application. The applicant contended "I dealt with undiagnosed post-traumatic stress disorder during my tenure [sp] at Columbus AFB. Upon joining the Air Force during my initial onboarding my recruiter was not honest about what my job would be. He guaranteed me a certain job, and I went in thinking that I would get that job, unfortunately that wasn't the case when I graduated, I was given a job that wasn't even close to what I was told I'd get. At this point there was nothing I could do but deal with it and this caused stress, anxiety, and panic attacks to start and get progressively worse at my first duty station.

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

A review of the applicant's in-service records revealed the applicant attended two sessions in the mental health clinic during his time in service related to the applicant's reported symptoms of stress related to his dissatisfaction with his role in the military. The applicant did not receive a diagnosis during his time in service. There is no evidence the applicant has received a diagnosis of PTSD based on a review of his in-service or post-service records. There is no evidence the applicant exhibited any clinically significant features of PTSD, 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 developed PTSD during his time in service.

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 misconduct (drug abuse) with two years, seven months, twenty seven days time in service.

The applicant was discharged due to drug use (marijuana). 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 military life and was frustrated with the career field for which he was selected; this does not constitute a mental health condition and does not mitigate misconduct. There is evidence the applicant chose to use drugs 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.

The applicant submitted his VA rating as evidence in support of claim. Based on the available evidence and records, the applicant's mental health condition as likely as not developed post-service. A review of the applicant's post service records reveal the applicant reported to his VA evaluator symptoms of debilitating anxiety that prohibit him from working; this is inconsistent with the symptoms the applicant reported during his time in service. There is no evidence the applicant reported any functional impairment from his reported

symptoms of stress due to job dissatisfaction during his time in service. Regarding the applicant's concurrence with his VA rating, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the "snapshot in time" of the applicant's service, there is no evidence the applicant had a mental health condition that caused or mitigated the misconduct that led to the applicant's discharge.

4. Does that condition or experience outweigh the discharge?

Because the applicant's discharge is not mitigated or excused by a mental health condition, the applicant's discharge 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 their 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 9 March 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://afrbportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

