

SUMMARY:

The applicant was discharged on 25 April 2023 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 and a change to the discharge narrative reason.

The applicant requested the board be completed based on a records only review. The Board was conducted on 28 March 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 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. His misconduct included 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 asserted that he served honorably and claims he has undiagnosed post-traumatic stress disorder (PTSD) stemming from stress during a deployment. The applicant added that his misconduct was an isolated mistake.

The applicant did not specify whether he believed his discharge was improper, inequitable, or both. In such cases, the DRB examines an application on the basis of equity alone. DODI 1332.28, *Discharge Review Board (DRB) Procedures and Standards*, E3.5.1.3.5.

The DRB determined to deny the applicant's request because the positive aspects of his in- and post-service accomplishments did not outweigh his misconduct.

A General (Under Honorable Conditions) characterization is appropriate when "when the positive aspects of the enlisted Service member's conduct or performance of duty outweigh negative aspects of the enlisted Service member's conduct or performance of duty as documented in their service record." DoDI 1332.14, *Enlisted Administrative Separations*, at page 30 (paragraph 3(b)(2)(b)). In contrast, an Honorable characterization is appropriate "when the quality of the enlisted Service member's service generally has met

the standards of acceptable conduct and performance of duty for military personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.” Id.

The DRB carefully reviewed the applicant’s service records. Although the applicant received positive performance evaluations and decorations, the DRB determined that the positive aspects of the Applicant’s service were not “so meritorious that any other characterization would be clearly inappropriate” in light of the drug abuse. Additionally, the discharge received was consistent with standards of discipline in the Air Force.

LIBERAL CONSIDERATION:

Due to a claim of a mental health diagnosis, 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 boxes for “PTSD” and “other mental health” on the application. The applicant contended “I would like for you guys to consider my changes, as I served under honorable conditions, served in Operation Juniper Shield in imminent danger under stressful situations (undiagnosed PTS) and due to one mistake I believe this should not prevent me from getting a education [sic] and training for my future career.”

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 received the diagnosis of PTSD, or any other mental health diagnosis, during his time in service. There is no evidence the applicant exhibited or endorsed any clinically significant features of PTSD, or any other mental health condition, during his time in service. The applicant’s records revealed the applicant was command referred to Alcohol and Drug Abuse Prevention and Treatment (ADAPT) during his time in service due to testing positive on multiple occasions for THC. The applicant denied willfully using THC during his time in service, and reported his use likely occurred in social setting with peers he was not well acquainted with that were sharing vape devices.

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

A review of the applicant’s DD214, Certificate of Release or Discharge from Active Duty, revealed the applicant was discharged with a general character of service due to misconduct (drug abuse) with three years, seven months, nine days’ time in service. A review of the available records revealed the applicant’s drug use likely occurred in a social setting for recreational purposes. There is no evidence the applicant exhibited or endorsed any clinically significant features of PTSD, or any other mental health condition, during his time in service. The available records revealed the applicant chose to use prohibited 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. There is no evidence a mental health condition caused or mitigated the misconduct(s) that led to the applicant’s discharge.

4. Does that condition or experience outweigh the discharge?

Because the applicant's discharge is not mitigated, his 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.

FINDING: The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization and to change the discharge narrative reason. The applicant did not request a change to the reentry code and the DRB voted to deny an upgrade.

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 2 April 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)

