

SUMMARY:

The applicant was discharged on 05 May 2021 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Misconduct (Drug Abuse). The applicant appealed for 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 21 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 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 wrongful use of Marijuana, failure to go, reporting late to a Virtual Training, and providing a false statement to an investigating 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 had requested an upgrade on their separation code, which is closely tied to their narrative reason. Additionally, they have identified, using their application form, a few mental health issues. The applicant provided the Department of Defense (DoD) manual 1332.18, *Disability Evaluation System Manual: Process*, as a reference, which outlines that a mental disease severe enough to interfere with a member's ability to perform their duties adequately, will be considered unfit for service.

The DRB found no evidence of impropriety or inequity that would justify a change in the separation code or narrative reason. The applicant did not provide any evidence to support their claims. While it was noted during the records review that the applicant struggled with mental health issues, this did not mitigate their willful misconduct. The DRB found no evidence suggesting that the applicant was unaware of the Air Force policy of zero tolerance for illegal drug use. Ultimately, drug use is incompatible with military standards, and the Board found no justification for altering the discharge.

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" and "Other mental health" on the application. The applicant made no contentions to the board. He included an excerpt from DoDI 1332.18 in box 22 on the application but provided no testimony. The applicant included select medical records from his time in service with his application.

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

A review of the applicant's mental health records revealed the applicant received inpatient, intensive outpatient, and outpatient mental health service during his brief time in service after he tested positive for marijuana. The applicant received the diagnosis, in service, of major depressive disorder. There is no evidence the applicant received the diagnosis of PTSD during his time in service. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of 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 one year, ten months, twenty five days time in service.

The applicant was discharge due to drug use. A review of the available in-service reveals the applicant provided multiple reasons during his discharge process at different times as to why he chose to use marijuana during his time in service. The applicant's mental health records revealed the civilian provider diagnosed the applicant with major depressive disorder during his time in service. The applicant's ADAPT records revealed the applicant reported he used marijuana in a social setting with his peers because he was upset that grandmother was ill. That applicant stated in his response to discharge notification that he self-medicated with marijuana because he was mentally ill, he was experiencing stress in the workplace, and his command let him down by not providing the personalized attention from his instructors and supervisors that he desired.

A review of the applicant's mental health records revealed the applicant received inpatient, intensive outpatient, and outpatient mental health service during his brief time in service after he tested positive for marijuana. The applicant's medical records revealed the applicant was minimally engaged in treatment with limited participation and tested positive for other classes of illicit drugs during his time in treatment while lacking candor about his substance use and taking minimal responsibility for his actions or behavior.

The applicant's service records reveal a history of pre-service substance use. Based on the available evidence in the applicant's records, there is evidence the applicant was having difficulty adjusting to military life. The applicant reported he 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.

4. Does that condition or experience outweigh the discharge?

Based on review of the applicant's records, the applicant's 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 the applicant's discharge is not outweighed. The applicant referenced DoDI 1332.18 in box 22 of the application. For the applicant's awareness, medical separation, medical retirements, and disability evaluations are outside of the scope of authority of the Discharge Review Board. Should the applicant wish to pursue a medical discharge, the applicant is to direct inquiries of error or injustice to the Board for Corrections of Military Records (BCMR).

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 17 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)

