

**SUMMARY:**

The applicant was discharged on 08 June 2017 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.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 04 April 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 for 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 argued that his discharge was inequitable. Specifically, the applicant asserted that his experience as an intelligence analyst serving drone strike teams caused significant trauma that ripened into post-traumatic stress disorder (PTSD). The applicant stated that during service, he routinely witnessed drone strikes, conducted battle damage assessments and collateral damage estimates, including estimates of deaths of innocent bystanders. The applicant explained that he used marijuana to cope with the traumatic events he witnessed on duty. He also stated that he had an exemplary service record outside of the misconduct. He was afraid to seek mental health assistance because it could impact his security clearance.

The applicant included multiple character references corroborating his PTSD symptoms and treatment. He also attached character references from his unit, drafted during his discharge proceedings, which attested to his superior work. Finally, the applicant included a VA disability letter.

The DRB determined that the applicant's mental health conditions mitigated his drug use, and that the applicant's discharge was 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 (in part) "Some of the incidents I witnessed were beyond horrible and impacted my mental health. I wasn't trained to handle or cope with situations that I was not actively participating in, and I didn't know how to process it. I struggled with sleeping, interacting with the public and became withdrawn."*

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

*A review of the available records revealed the applicant received mental health services during his time in service. The applicant's records revealed the applicant endorsed symptoms of paranoia, nightmares, sleep resistance, anxiety during his time in service. The applicant received the diagnosis, in service, of acute stress reaction. The applicant's records revealed he was medically referred to Alcohol and Drug Abuse Prevention and Treatment (ADAPT) during his time in service and received the diagnosis of cannabis abuse.*

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, four months, five days time in service. The applicant's discharge package was not available for review.*

*Based on a review of the available records, the applicant's records revealed the applicant reported to mental health providers that he began experiencing acute responses to combat stress in Nov 2016 subsequent to a mission shift. The applicant's records revealed the applicant endorsed symptoms of paranoia, nightmares, sleep resistance, anxiety and sought mental health services in January 2017 (one session) for these symptoms. The applicant's records indicated he reported to ADAPT providers at the conclusion of his investigation that he needed further mental health services at that time but decided smoking marijuana with his roommate to alleviate his symptoms was an easier path. There is evidence the applicant endorsed and exhibited symptoms of a mental health condition that impaired his judgement and decision making capabilities during his time in service. Based on the available records, there is evidence the applicant's marijuana use in service may have been an attempt to self-medicate his underlying mental health symptoms and the board found this self-medication to mitigate the applicant's discharge.*

4. Does that condition or experience outweigh the discharge?

*Based on the available records, there is evidence the impact of the applicant's in-service mental health condition outweighed his discharge.*

#### **EQUITY:**

The Board examined the applicant's arguments under the equity factors found in DODI 1332.28, *Discharge Review Board (DRB) Procedures and Standards*, E4.3. Based on these factors, the Board accepted the applicant's positions on issues of equity.

Specifically, the Board was persuaded that the applicant's discharge was inequitable due to his outstanding service history (DODI 133.28 E4.3.3.1.1.), which included receiving accolades directly from the Chief of Staff of the Air Force and enlisting prior to his eighteenth birthday.

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 all factors listed in paragraphs (6)(a)-(6)(l) and (7)(a)-(7)(r) of this memorandum. After considering these factors and the evidence presented by the applicant, the Board was further persuaded to accept the applicant's positions on issues of equity.

In conclusion, the Board considered that 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.*

After applying liberal consideration and reviewing the applicant's service records, the Board concluded that the applicant's service was "otherwise so meritorious" that an Honorable discharge characterization is appropriate.

**FINDING:** The DRB voted unanimously to *approve* the applicant's request to upgrade his discharge characterization. The applicant did not request an upgrade to the discharge narrative reason or the reentry code, and the DRB voted unanimously to *deny* these upgrades.

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 inequitable. Therefore, the awarded characterization of service shall change to "Honorable," 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 13 May 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)