

SUMMARY:

The applicant was discharged on 26 May 2020 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Alcohol Rehabilitation Failure. The applicant appealed for an upgrade of their discharge characterization.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 26 March 2024. No witnesses were present to testify on the applicant's behalf.

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 a Letter of Reprimand and a Letter of Counseling. His misconduct included failing to answer his phone during an accountability check and failing a physical fitness test.

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 requested a change in his discharge because he wanted to use his GI Bill. He provided a benefits summary letter showing his Department of Veterans Affairs (VA) disability rating.

During the hearing, the applicant explained additional details surrounding his discharge. In his sworn statement, he explained that at the time of his discharge, he was in a volatile marriage and worked twelve-hour shifts. After a fight with his wife late one night, he slept through a mandatory accountability phone call. Members of his unit came to his home to check on him and discovered opened bottles of alcohol. The applicant was 20 at the time. Subsequently, the applicant's commander referred him to Alcohol and Drug Abuse Prevention and Treatment (ADAPT) for alcohol abuse.

The applicant stated that he only attended one ADAPT meeting and asserted two reasons for failing to complete ADAPT. First, he did not view himself to have a drinking problem because he never worked while intoxicated and believed underage drinking was not necessarily a drinking problem remediable by ADAPT. Second, his base only offered ADAPT meetings once per week at 1500. However, he regularly worked a twelve-hour shift ending at noon, and lived 45 minutes away from base. He asserted that remaining on base after his long shift to wait for and attend ADAPT meetings, followed by a long drive home, was a hardship.

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 "other mental health" on the application. The applicant made no other mental health contentions and requested a change to his character of service because "I am in school and want to use my GI Bill I paid into." The applicant submitted his VA rating as evidence in support of his claim.

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 due to his report of feeling overwhelmed with marital, occupational and financial stressors. The applicant received inpatient and outpatient mental health services during his time in service and received the diagnosis, in service, of adjustment disorder with mixed anxiety and depressed mood. The applicant was referred to ADAPT during his time in service due to maladaptive alcohol use; the applicant's records revealed the applicant was minimally participative, avoidant, and refused to participate in substance use treatment services appropriately during his time in service, resulting in his failure from the program.

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 alcohol rehabilitation failure with one year, eleven months, twenty-nine days time in service.

A review of the applicant's prior request to the Board revealed the applicant contended, and the Board considered, his misconduct was due to "boyish blunders." A review of the applicant's records revealed the applicant was discharged due to failure and refusal to appropriately participate in ADAPT. The applicant's records revealed a history of mental health treatment, including two instances of suicidal ideations in service, and evidence of the applicant having difficulty adjusting to the military environment during his brief time in service. The records revealed the applicant endorsed a persistent pattern of having the inability to cope and exhibited maladaptive coping skills for the duration of his time in service. The applicant stated made it known during his time in service that he did not feel he had an alcohol use disorder (AUD) but agreed to attend ADAPT (initially) at the recommendation of his leadership, who documented that his drinking was problematic. The applicant also reported to providers during his time in service that he was bored and disinterested in his military career at Minot and was having relational and financial problems.

The records revealed the applicant described symptom development in response to relational, occupational, financial stressors and difficulty coping with the aforementioned stressors contributed to additional occupational problems. There is no evidence a mental health condition caused the misconduct(s) that led to

the applicant's discharge. There is evidence the applicant exhibited and endorsed difficulty adjusting to the military lifestyle and poor coping skills which may explain the applicant's misconduct but it does not constitute a mitigating mental health condition and does not mitigate the misconduct(s) that led to the applicant's discharge, nor does it excuse the applicant's choice to not participate in ADAPT, resulting in his discharge.

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 impropriety was found in review of the applicant's records or in review of the applicant's prior decision from the Board, thus the applicant's discharge is not outweighed.

However, the Board's analysis was not limited to the applicant's mental health claims. The Board also 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. Specifically, the Board considered the following factors:

- k. Relief is generally more appropriate for non-violent offenses than for violent offenses.
- b. Whether the punishment, including any collateral consequences, was too harsh;
- c. The aggravating and mitigating facts related to the record or punishment from which the veteran or Service member wants relief;
- d. Positive or negative post-conviction conduct, including any arrests, criminal charges, or any convictions since the incident at issue;
 - l. Evidence of rehabilitation;
 - n. Job history;

Based on these factors, the Board determined that the applicant was entitled to his requested relief. Failing to attend ADAPT meetings is not a violent offense. The severity of the applicant's punishment, including any collateral consequences, was too harsh, even considering his career field (security forces), because the record reveals no intermediary reprimands, such as an LOC or LOR, warning the applicant of the severity of not attending ADAPT meetings and providing him an opportunity to correct his actions or seek accommodation. Further, based on the applicant's sworn testimony, the Board determined that there were mitigating facts, namely, his long shifts and highly burdensome ADAPT meeting times which would have effectively extended his duty day to over 16 hours, not including his 1.5 hour round trip commute. The applicant also presented evidence of rehabilitation, including enrollment in college, employment since discharge, and dedication to family. Based on these factors, the DRB determined that the applicant's discharge was inequitable.

FINDING: The DRB voted 2 to 1 to **approve** the applicant's request to upgrade his discharge characterization. The applicant did not request a change to the discharge narrative reason or the reentry code, and the DRB voted unanimously to **deny** these changes.

Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

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 "Alcohol Rehabilitation Failure," and the reentry code shall remain "2B." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 18 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)

