

SUMMARY: The applicant was discharged on 25 March 2021 per Air Force Instruction 36-3208, Administrative Separation of Airmen, with a General Discharge for Misconduct (Minor Infractions). 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 06 June 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 multiple Article 15s and multiple Letters of Reprimand. His misconduct included: Found drunk on duty as a firefighter; While leaving an establishment, committed larceny by taking two bottles of alcohol from behind the bar and left the property; Engaged in disorderly and unprofessional conduct towards patrons of a local business; Engaged in disorderly and unprofessional conduct towards a restaurant patron who was dining with his family; Stored alcoholic beverages in his dorm while under the age of 21; Drunk and disorderly while under the legal drinking age and his actions resulted in the hospitalization of a wingman.

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 the discharge for minor infractions was unjust, as he was diagnosed with Post-Traumatic Stress Disorder (PTSD) and a traumatic brain injury (TBI) which he incurred during service. The applicant highlighted that his record was unblemished prior to the injuries. He detailed the accident in which he claimed resulted in a TBI and explained that he suffered debilitating symptoms of headaches, irritability, the inability to concentrate and a general sense of confusion. Additionally, the applicant explained that he developed severe PTSD after responding to a vehicle fire, in which two individuals lost their lives. Furthermore, he indicated his girlfriend committed suicide while he was on duty about 10 months later, which resulted in his downward spiral, with uncontrollable outbursts, suicidal thoughts and excessive alcohol abuse in an attempt to cope with his struggles. The applicant indicated that rather than seek treatment for his issues, he suppressed his anguish and tried to remain strong, resulting in various infractions, which ultimately led to discharge. The applicant concluded that there have been numerous discharge upgrades for cases similar to his and he deserves similar consideration. The applicant wishes to use the GI Bill.

The DRB reviewed the applicant's entire service record and found no evidence of impropriety or inequity to

warrant an upgrade of the discharge. Despite the ample opportunities given to rehabilitate, including a suspended discharge through Probation and Rehabilitation (P&R), the applicant continued the pattern of misconduct. The Board understood that the applicant had significant stressors, however, due to the egregious nature of misconduct, including being drunk on duty as emergency personnel, the mental health issues do not outweigh the discharge and therefore, it was deemed appropriate.

The applicant indicated that there were numerous cases similar to his that received an upgrade, however, The AFDRB Boards each case on its own merits. Due to the egregious nature of the misconduct, ample opportunities for rehabilitation, and lack of mitigating factors, the Board determine that relief is not warranted in this case.

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 contended that the discharge for minor infractions was unjust, as he was diagnosed with Post-Traumatic Stress Disorder (PTSD) and a traumatic brain injury (TBI) which he incurred during service. The applicant explained that he had PTSD after witnessing the burning to death of two individuals in a vehicle fire. Furthermore, he indicated his girlfriend committed suicide while he was on duty about 10 months later, which resulted in his downward spiral, with uncontrollable outburst, suicidal thoughts and excessive alcohol abuse to cope with his struggles. The applicant indicated that rather than seek treatment for his issues, he suppressed his anguish and tried to remain strong, resulting in various infractions, which ultimately led to discharge. The applicant concluded that there have been numerous discharge upgrades for cases similar to his and he deserves similar consideration. The applicant wishes to use the GI Bill.

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

The applicant was diagnosed with alcohol dependence, major depression, adjustment disorder with other symptoms, and PTSD while in service. He received prescriptions for antianxiety/antidepressant medication. He received the PTSD diagnosis related to witnessing the burning of individuals in a car, several days before separation, thus, treatment for PTSD could not be provided given the date of discharge. The record showed that he received a gash to the left side of his head in April 2019 that required sutures; however, there was not a TBI diagnosis during service, nor was it mentioned during the Legal Review for Discharge. Most of his treatment record was focused on alcohol abuse, a pattern that had established prior to the suicide of his girlfriend. After the suicide his abuse turned into dependency.

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

The applicant was offered Probation and Rehabilitation on 17 August 2020 and failed to comply to the conditions set forth in the P&R, specifically, on 31 January 2021, he was caught on camera stealing alcohol from a local business, and on 13 February 2021, he was drunk while on duty as a firefighter. The use of alcohol for relieving MH symptoms is well documented in the medical literature as a form of self-medicating mental conditions. Given that the applicant had many stressors that may have caused him to drink alcohol, it is worth mentioning that he began drinking alcohol at the age of 16, and his pattern increased over time.

It is possible that he may not have drink to the extent of frequent drunkenness had he not experienced two traumatic events, but he engaged in other behaviors not consistent with depression or PTSD, such as stealing and putting others in danger. His actions resulted in the hospitalization of one of his wingmen (engaged in an altercation that resulted in multiple injuries to self and to the airman who attempted to prevent the fight); he stored alcohol in his room, he engaged in disorderly and unprofessional conduct towards a restaurant patron while dining in a restaurant (threatened harm, and name calling). He was caught on camera stealing two bottles of alcohol from a local business. In the Legal Review, the applicant indicated that he learned coping strategies and that alcohol does not help his emotions. He noted he had prescribed medication that helped, he decided to stop drinking, and was afraid that if he is discharged, he will lose access to the resources that have been helping him cope. After separation, the applicant reported he did not take his prescribed medication consistently, thus, it is difficult to determine if he had a primary MH condition or an alcohol-induced condition. In conclusion, although the applicant had diagnosed MH conditions, there is insufficient evidence that any of his conditions actually excuses or mitigates the discharge, given the potential for serious harm to others.

4. Does that condition or experience outweigh the discharge?

There is insufficient evidence to support that his conditions or experiences outweigh the discharge.

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 his 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 (Minor Infractions),” and the reentry code shall remain “2B.” The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 10 July 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)

