

**SUMMARY:** The Applicant was discharged on 09 July 2018 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, 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 11 July 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. Their 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 had requested an honorable discharge from the board. They stated that while at their base, they experienced several traumatic events as a firefighter, including seeing a dead body for the first time, which greatly affected them. They never felt comfortable or accepted at the base or within the fire department, leading them to withdraw. The Applicant mentioned that they wanted to talk to someone about their experiences but did not feel they had an outlet, leading them to bury their emotions and make immature decisions, such as smoking marijuana. The Applicant stated that they had since been diagnosed with an anxiety disorder by the Veterans Affairs (VA). The Applicant highlighted that they were close to completing their enlistment, had been deployed twice, and gave everything to their unit and country. They felt that this one mistake had significantly hindered them and were asking for a second chance. The Applicant submitted a personal statement and a VA claims letter to support their request.

The DRB noted that the Applicant was discharged due to misconduct involving drug abuse, specifically marijuana, in violation of the Air Force's zero-tolerance policy. While the Applicant faced traumatic events and mental health struggles, including an anxiety disorder, these factors were thoroughly considered by the Applicant's command during the discharge process. Where it was annotated that despite the Applicant knowing the zero-tolerance policy and having access to resources for coping with stress, the Applicant chose to use an illegal substance. The Applicant's experience of a traumatic incident and mental health struggles do not excuse or outweigh their misconduct. Although the Board acknowledges the Applicant's commendable service record and the trauma faced, the significant violation involving drug abuse was deemed unacceptable. Therefore, the board has denied the Applicant's request for an honorable 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 "other mental health" on the application. The applicant contended "prior to me being stationed I went through a very traumatic experience. A plane crashed while I was a fire fighter on base. I had never seen dead bodies before the experience affected me mentally. When I arrived I didn't feel comfortable there, I wasn't accepted by the fire department there, in which made me go into a shell. I wanted to talk to someone about what was going on but didn't feel as though I had the outlet. I bottled everything in and made a very immature decision to smoke marijuana with a friend. It was a very random decision that I still regret to this day. I've since been diagnosed with an anxiety disorder and have been receiving help from the VA."*

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

*A review of the applicant's medical and mental health records revealed the applicant sought mental health services after his positive urinalysis. The applicant's records revealed he endorsed symptoms of avoidance, difficulty sleeping, nightmares, flashbacks, and anxiety related to his role as a first responder to a plane crash at a deployed location.*

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 three years, nine months, nine days' time in service. A review of the applicant's discharge package revealed the applicant made it known to their command during the discharge process that they were experiencing emotional and mental stress for eight months prior related to a traumatic experience while in a deployed location. The command stated "While I understand this has been a trying time for [the applicant], the Air Force offers numerous resources, free of charge, to help our Airmen who are in situations such as [the applicant]. [The applicant] chose to ignore the available resources and made the decision to use an illegal substance instead. The Applicant admitted to knowing the Air Force has a zero-tolerance policy and instead of having integrity and self-admitting upon their return from leave, hoped the marijuana would be out of their system before the urinalysis test."*  
*The applicant also contended that they had been diagnosed post-service with an anxiety disorder and has been receiving help from the VA. A review the available post service records do not reveal any mental health engagement with the applicant since their discharge other than seeking housing resources in 2022. During this assessment, the applicant denied mental health symptoms.*

4. Does that condition or experience outweigh the discharge?

*There is evidence the applicant may have been experiencing a mitigating mental health condition that contributed to their misconduct; however, the applicant's records revealed the applicant's in-service experiences and mental health condition were thoroughly considered by the applicant's command at the time of his discharge and did not outweigh his 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 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 3 September 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)

