

**SUMMARY:** The Applicant was discharged on 21 August 2023 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 and 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 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 and their misconduct included the wrongful use of THC, a schedule I controlled substance.

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 submitted a request stating they believe that the Board should grant their appeal for an upgrade in discharge despite their careless mistake, arguing that a momentary lapse in judgment should not define them. They expressed a deep passion for their career in aviation resource management and were seeking an upgrade to further their education. In support of their application, the Applicant had submitted their Alcohol and Drug Abuse Prevention and Treatment program (ADAPT) completion letter, military records, letters of recommendation, and awards.

The DRB determined the Applicant failed to provide sufficient evidence of a mental health condition that would justify the use of drugs, which is a violation of the military's zero-tolerance policy. While the Applicant admitted to their drug use the Applicant has not made any claim or contention that a mental health condition caused or substantially contributed to this misconduct that led to their discharge. The Board understood that the Applicant's current service characterization renders them ineligible for Department of Veterans Affairs education benefits. However, this is not a matter of inequity or impropriety that would warrant an upgrade. Therefore, the Board has determined that the Applicant's discharge status should remain as it currently stands.

**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 made no other mental health contentions and claimed "I believe the Board should grant my request for a discharge upgrade because even though I made a careless, and irresponsible mistake, my momentarily lapse in judgement does not define who I am as a human being nor who I am as a career driven [redacted]. I loved my career and the work I did in the Air Force as an aviation resource manager. I am asking that you grant me the opportunity to further my education, allowing me the chance to get back into a career profession."*

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

*There is no evidence the Applicant sought or received any mental health treatment during her time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant features of a mental health condition, during her time in service. Other than checking the box for "other mental health" on the application, the Applicant made no claim or contention regarding a mental health condition nor provided any substantiating evidence related to a mental health condition.*

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, seven months, fifteen days' time in service. The Applicant made no claim or contention that a mental health condition caused or substantially contributed to the misconduct(s) that led to the Applicant's discharge. There is no evidence the Applicant sought or received any mental health treatment during their time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant features of a mental health condition, during their time in service. Other than checking the box for "other mental health" on the application, the Applicant made no claim or contention regarding a mental health condition nor provided any substantiating evidence related to a mental health condition. The Applicant reported she 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?

*Because the Applicant's discharge is not mitigated or excused, it is also not outweighed.*

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 and to change the discharge narrative reason.

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://afrbportal.azurewebsites.us>.

Attachment:

Examiner's Brief (Applicant Only)

