

SUMMARY: The Applicant was discharged on 16 June 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions (General) character of service for Misconduct (Drug Abuse). The Applicant appealed for an upgrade of their character of service and a change to the narrative reason for separation.

The Applicant requested the Board be completed based on a records-only review. The Board was conducted on 31 October 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 DRB provided a notice to inform the service member of resources available to help answer their questions about the application process and/or to help them supplement their application, to include information on the types of evidence that can be submitted to support a claim; information regarding potential eligibility for mental health treatment and evaluation services offered by the Department of Veterans' Affairs (VA); general information regarding Veterans Service Organizations that may assist with DRB applications, and their right to retain counsel; a link to a database of legal services organizations that serve members of the military, veterans, and their families; the weblink to the VA's Directory of Veteran's Service Organizations; and information regarding reasonable accommodation requests from the DRB in the application and adjudication process.

The Applicant's record of service included the following documented misconduct leading up to their discharge:

-Article 15 for 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 contended they were unaware they were suffering from Post Traumatic Stress Disorder (PTSD), major anxiety disorder, and major depressive disorder which they believed fogged their decision-making skills leading to the decision to self-medicate. They contend that their more than 40 months of service prior to discharge was honorable and should be considered during the review to upgrade their character of service and narrative reason of separation.

The Applicant provided the following documents in support of their claim: DD 214; VA Rating.

The Applicant received an Article for wrongful use of marijuana which is violation of the Air Force's

standards. They signed the AF Fm 2030, *USAF Drug and Alcohol Abuse Certificate*, acknowledging drug and alcohol abuse by members of the USAF violates Air Force standards of behavior and conduct and will not be tolerated.

The DRB determined there was insufficient evidence that a mental health condition existed that mitigates or excuses the Applicant's misconduct that led to their discharge. Additionally, in the Applicant's discharge response, they contended they did not knowingly use marijuana, which is contradictory to their DRB application in which they contend that a mental health condition led them to self-medicate. The Applicant noted their 40 plus months of honorable service prior to discharge and the Board found that the Applicant's service prior to discharge was already considered during their discharge process. The Board found the discharge to be proper and equitable.

LIBERAL CONSIDERATION: Due to the Applicant's contentions or 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 stated, "During my time of separation, I was suffering from unknown, therefore untreated PTSD, Generalized Anxiety Disorder (GAD), and Major Depressive Disorder (MDD)." The Applicant stated that after receiving "proper treatment" from the local VA facility, they understand that their decision-making skills were "fogged and the decision to self-medicate was simply not the right choice."

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

The Applicant was diagnosed with generalized anxiety disorder, and major depressive disorder, and provided no in-service report of, or symptoms of PTSD. In fact, the Applicant denied any military trauma related symptoms during multiple Mental Health (MH) visits. The first mention of military related trauma occurred at their inpatient psychiatric hospitalization evaluation June 2023 with the psychiatrist. The Applicant stated they were sexually harassed while in service. There was no mention of when or where or who the alleged perpetrator was. During the June 2023 hospitalization, when asked about PTSD/MST associated symptoms, they Applicant responded, "I was sexually harassed while in the military and I reported it to my superior and they told me that they will take care of it, but they never did." The Applicant went on to endorse PTSD symptoms. The Applicant also stated they were hospitalized in April 2023 for a suicide attempt by hanging (no evidence of an April hospitalization). The Applicant was diagnosed with MDD and PTSD/MST, chronic. There were several inconsistencies documented in the treatment record that raises concern for self-report reliability. Of note, the Applicant did not disclose the positive marijuana urine tests during their treatment with the local VA.

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

Although it is not uncommon for individuals to attempt to treat their MH symptoms with marijuana, based on the treatment record, there was no evidence to support that the Applicant attempted to self-medicate their diagnosed MDD and GAD, or any MH condition. The Applicant was actively in treatment at the time of their positive urine test for marijuana. Although they did not adhere to treatment, they were prescribed

psychotropic medications that were appropriately prescribed to treat their symptoms of depression and anxiety. Despite the Applicant's assertion that their MH condition is being "properly treated" at the local VA, the record showed that they continued to abuse marijuana while being prescribed medication to treat their MH condition. There was no evidence supporting that the Applicant self-medicated with marijuana. Therefore, there is no evidence that their MH condition excuses or mitigates the discharge.

4. Does that condition, or experience outweigh the discharge?

There is insufficient evidence that any MH condition or experience outweighs the discharge. There was no evidence of an error or injustice in this case.

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 *deny* the Applicant's request to upgrade their character of service or to change the narrative reason for separation.

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 character of service shall remain "Under Honorable Conditions (General)," the narrative reason for separation shall remain "Misconduct (Drug Abuse)," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 14 November 2024. If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force Discharge Review Board

3351 Celmers Lane

Joint Base Andrews, MD 20762-6435

Instructions on how to appeal an AFDRB decision can be found at

<https://afrbportal.azurewebsites.us>

Attachment:

Examiner's Brief (Applicant Only)