

SUMMARY: The Applicant was discharged on 29 January 2020 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) discharge for description of misconduct taken from their DD 214. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, a change to the reentry code, and a change to the separation code.

The Applicant requested the Board be completed based on a records review. The Board was conducted on 16 January 2025. 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 tetrahydrocannabinol, a Schedule 1 controlled substance
- Letter of Reprimand for receiving a driving citation for driving reckless (52-mph in a 30-mph zone)
- Letter of Counseling for being absent from their place of duty

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 an upgrade to all aspects of their discharge due to depression and post-traumatic stress disorder (PTSD) diagnosis.

The DRB determined the Applicant's discharge was proper and equitable. The Applicant requested an upgrade due to their diagnosis of depression and post-traumatic stress disorder (PTSD). Unfortunately, the Applicant has failed to provide any supporting documents to substantiate their claim. The Applicant bears

the burden of providing substantial credible evidence to overcome the presumption of regularity in the conduct of governmental affairs, as outlined in DAFI 36-2023, *The Secretary of the Air Force Personnel Council*, paragraph 3.2.4. A review of the Applicant's records revealed the Applicant was discharged from the Air Force due to a positive drug urinalysis test for tetrahydrocannabinol (THC), a schedule 1 controlled substance, December 2019. The Applicant received an Article 15 and was demoted to the grade of Airman as a result. In addition, the Applicant had a history of disciplinary issues, including a letter of counseling (LOC) and a letter of reprimand (LOR), which were carefully considered by the separation authority prior to recommending discharge. The administrative records also indicate that the Applicant was not being considered for a medical evaluation board, and there was no record of PTSD.

In the absence of any substantial credible evidence to support the Applicant's claim and the policies and procedures of the Air Force regarding drug abuse and disciplinary actions, the DRB denied that the Applicant's request to upgrade their service characterization, a change to the discharge narrative reason, a change to the reentry code, and a change to the separation code.

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 checked the boxes for "PTSD" and "other mental health" on the application. The Applicant listed "depression diagnosis" and "PTSD diagnosis" in box 20 of the application but did not provide any other testimony regarding these contentions. The Applicant listed documents they intended to provide as evidence in support of their claim that were not submitted with their application. The Applicant was notified of the missing documents and did not respond to requests to resubmit.

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

There is evidence the Applicant received mental health treatment in service including inpatient and outpatient service; however, there is evidence the Applicant admitted to falsifying symptoms in hopes of receiving the secondary gain of changing jobs or being discharged from the military. The Applicant's records revealed the Applicant refused medications and denied mental health symptoms after the Applicant was informed that mental health would facilitate neither discharge nor change of occupation. There is no evidence the Applicant received the diagnosis of PTSD during their time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of PTSD, or any other mental health condition, during their time in service.

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 eleven months, twenty-five days time in service.

A review of the Applicant's discharge package revealed the Applicant had a pattern of misconduct that persisted for the near duration of the Applicant's brief time in service including an Article 15, a Letter of Reprimand, and a Letter of Counseling.

The Applicant was discharged due to drug abuse (marijuana). The Applicant's service records reveal a history of pre-service marijuana use. Based on the available evidence in the Applicant's records there is evidence the Applicant was having difficulty adjusting to military life and was dissatisfied with their job and wanted out of the military. The Applicant's records also revealed the Applicant had a pre-service history of marijuana use, which may explain the Applicant's drug use, but it does not mitigate the Applicant's misconduct. Based on review of the available records the Applicant indicated to their medical and mental health providers that wanted out of the Air Force and knew that drug use would result in discharge. The Applicant reported they 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.

Regarding the Applicant's concurrence with their VA diagnoses, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the "snapshot in time" of the Applicant's service, there is no evidence the Applicant had a mental health condition that caused or mitigated the misconduct(s) which led to the Applicant's discharge.

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

Because the Applicant's discharge is not mitigated or excused by a mental health condition, the Applicant's discharge 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, to change the discharge narrative reason, a change to the reentry code, and a change to the separation code.

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 "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 25 January 2025. 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)