

SUMMARY: The Applicant was discharged on September 10, 2024 in accordance with Department of the Air Force Instruction 36-3211, Military Separations, with an Under Honorable Conditions (General) Service Characterization for Misconduct – (Drug Abuse). The Applicant requested an upgrade of their Service Characterization.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on April 10, 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, including evidence submitted by the Applicant. The Board thoroughly reviewed 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 to their discharge: -Article 15 for Testing Positive For Delta-8-tetrahydrocannabinol (THC).

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 their characterization of service following a discharge related to the abuse of illegal substances. They provided documentation and evidence explaining the circumstances surrounding these events, citing significant mental health challenges they faced both before and during their discharge. The Applicant contended that these struggles warranted consideration for an upgrade and highlighted that there were no other disciplinary actions or issues throughout their military career.

The DRB determined that procedural irregularities alongside mitigating circumstances resulted in a perception of inequity in the Applicant's discharge. They identified serious flaws in the discharge process, noting inconsistencies and lack of documentation regarding the urinalysis, which raised questions about whether it was random, commander-directed, or even warranted given the Applicant's self-reported drug use during a crisis.

The absence of a referral to the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program added to their concerns.

The Board acknowledged significant mitigating factors stemming from the Applicant's mental health issues, including PTSD from a military sexual trauma incident and postpartum depression, which likely influenced her drug use as a coping mechanism. The Applicant's six years of honorable service, including receiving an Air Force Achievement Medal, highlighted her positive history. They reasoned that had proper procedures been followed and the Applicant's mental health needs addressed, the outcome of her discharge could have been different. Additionally, the presence of her alleged assailant at her workplace and the denial of her transfer request further fueled the perception of unfair treatment. Ultimately, the Board recognized that the Applicant's drug use stemmed from considerable mental health challenges and procedural flaws, which they felt outweighed the severity of the offense, especially in light of her prior service record.

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 contended, "I am requesting a review for my discharge characterization. I was discharged due to abuse of an illegal substance. I have attached documentation that is evidence of why these events happened." Also, "I believe my discharge characterization should be upgraded due to the mental health struggles during the time before and during discharge. I would also like to note that no other disciplinary actions were issued throughout my military career."

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

Based on a review of available records, there was evidence of the Applicant's contention of mental health struggles before and during her discharge. There was evidence the Applicant was referred to mental health services after presenting to her PCM with concerns about possible post-partum depression. The Applicant's records revealed the Applicant expressed suicidal ideation during this PCM appointment and was transferred to ED for evaluation and possible psychiatric admission. At that time, the Applicant reported using THC edibles. Additionally, the Applicant's records revealed the Applicant's urine drug screen in the ED came back positive for THC. Based on a review of Applicant's medical records and annual screenings, there is no evidence that Applicant endorsed or exhibited any mental health symptoms before her positive urine drug screen in the ED. A review of the Applicant's mental health records revealed the Applicant received mental health diagnoses of PTSD, Adjustment Disorder with Anxious Mood, and Other Reactions to Severe Stress, and Adjustment Disorder with Anxious Mood during her time in service.

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

A review of Applicant's DD214 revealed the Applicant was discharged with a General character of service based on misconduct (drug abuse) with 6 years time in service. A review of the available records revealed that the first time the Applicant presented for treatment for mental health was the same day she revealed to medical personnel that she had engaged in misconduct several days earlier. Before Applicant's misconduct, there was no evidence or records she had sought out mental health treatment and denied any mental health issues at

annual screenings. The Applicant contended she was feeling overwhelmed leading up to her misconduct. Based on a review of the available records, the Applicant reported to providers she had been suffering from depressive symptoms for 3-4 months with a post-partum etiology.

Additionally, available records revealed that the Applicant reported subclinical PTSD symptoms since an MST incident in Japan in 2019. A review of Applicant's medical records revealed the Applicant reported her PTSD symptoms worsened with the onset of Applicant's depressive symptoms for the 3-4 months leading up to her misconduct. Based on a review of the available records, there is evidence the Applicant's mental health symptoms were exacerbated by her experience of MST and POS.

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

Based on a review of available records, there was evidence to support a connection between the Applicant's mental health diagnoses reported in-service symptoms and the misconduct that led to her discharge. Based on a review of the available records and the totality of the Applicant's time in service, there is evidence the Applicant's mental health diagnosis of PTSD stemming from an MST incident, paired with depressive symptoms arising during post-partum, is a mitigating factor that outweighs 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.

FINDING AND 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 improper and inequitable. The DRB voted unanimously to **approve** the Applicant's request. Therefore, the awarded Service Characterization shall change to Honorable, the Narrative Reason for separation shall change to Secretarial Authority, and the Reentry Code shall change to 3K. The DRB results were approved by the Presiding Officer on April 25, 2025.

Should the Applicant wish to appeal this decision, they 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.

Instructions on how to appeal an AFDRB decision can be found at <https://afrbportal.azurewebsites.us>

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, MD 20762-6435

Attachment:
Examiner's Brief (Applicant Only)