

SUMMARY: The Applicant was discharged on 27 December 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a Under Honorable Conditions (General) discharge for Misconduct (Drug Abuse). The Applicant appealed for an upgrade of their separation code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 22 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

-Article 15 for failing to obey a lawful general regulation and wrongfully used delta 8 tetrahydrocannabinol.

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 claimed to have developed anxiety and post-traumatic stress disorder (PTSD) due to being involved in an on-base shooting in which they witnessed a fellow Airman get shoot at close range. They state that event had a dramatic impact on their life, and they begin to experience problems sleeping and performing their daily duties.

The Discharge Review Board (DRB) concluded that there was no evidence to support the claim of impropriety or inequity in the Applicant's discharge from the Air Force. The Applicant alleged that they were involved in an on-base shooting but failed to provide any evidence to corroborate this claim. In accordance with Department of the Air Force Instruction (DAFI) 36-2023, *The Secretary of the Air Force Personnel Council*, paragraph 3.2.4, the DRB is not an investigative body and presumes that all government affairs are conducted regularly and fairly, unless there is substantial credible evidence to overcome this presumption. The burden of proof lies with the Applicant to provide evidence that the discharge was not proper or equitable. The Applicant's testimony was found to be contradictory to the information available in their service medical records, mental health records, and administrative records. The records revealed that the Applicant had tested positive for THC on a urinalysis test and was referred to the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program. Furthermore, the Applicant had denied any mental health symptoms and any history of mental health issues, despite seeking treatment for substance abuse. Moreover, the Applicant submitted a DD Form 214 as a supporting document with their application to the Board, but the Board determined that the document was forged. The forged DD Form 214 contained several errors, including a made-up narrative reason of "Administrative (Voluntary Separation)" which did not

match the actual separation code "JKK - Misconduct (Drug Abuse)". Given the lack of credible evidence and the contradictory nature of the Applicant's testimony, the DRB determined that the Applicant's discharge was proper and equitable, and that there was no basis for further relief.

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?

Yes. The Applicant checked the boxes for "PTSD" and "other mental health" on the application. The Applicant contended "while in service I was involved in a on base shooting at the front gate, in which I seen another airbase get shoot at close range and then I had to discharge my service weapon at the fleeing suspect as the person entered on to the base. This event had a dramatic impact on my life, moving forward at which time I began to develop problems sleeping and problems preforming my daily duties as an airman. I was having continuous dreams about the shooting and developed anxiety and P.T.S.D."

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

There is no evidence the Applicant sought or received any mental health treatment during his 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. A review of the Applicant's annual mental health assessment and Separation Health Physical Examination revealed the Applicant denied any mental health symptoms during their time in service. There is no evidence the Applicant received the diagnosis of PTSD 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 seventeen days time in service. The Applicant submitted what appears to be an altered DD214 that reflects a change to the Applicant's narrative reason for separation to "administrative (voluntary separation)" which does not accurately reflect the Applicant's discharge.

A review of the Applicant's discharge package revealed the Applicant was recommended for discharge due to drug abuse that was discovered after the Applicant tested positive during unit-wide urinalysis testing. A review of the Applicant's in-service records revealed the Applicant admitted to smoking marijuana with their friends in a social setting. The Applicant's contentions are contradictory to the evidence available for review. There is no evidence the Applicant was self-medicating an underlying mental health condition or that a mental health condition caused or contributed to the misconduct that led to the Applicant's discharge.

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

The Applicant was discharged due to drug use (marijuana). Based on a review of the Applicant's in-service records, they reported to providers that 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 or outweigh the Applicant's

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 change the reentry 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 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)

