

SUMMARY: The Applicant was discharged on 08 December 2021 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Under Other Than Honorable Conditions discharge for In Lieu Of Trial By Court Martial. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 26 November 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 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 stated that they faced significant mental health challenges, including misdiagnosis and lack of treatment, which profoundly impacted their behavior and ability to perform their duties. Despite seeking help multiple times, they reported that the support they received was inadequate, and their untreated conditions influenced their judgment and the circumstances of their discharge. They described experiencing isolation and mistreatment, including homophobic jokes from leadership and frequent suicides among peers at their remote base in Alaska, which they said exacerbated their struggles. The applicant believed these factors created a stressful environment that contributed to their separation and that their discharge status did not accurately reflect their service or commitment to the Air Force. Having since sought treatment and worked to improve their well-being, they requested an upgrade to their discharge status in recognition of these extenuating circumstances.

The DRB determined that the applicant voluntarily requested separation in lieu of a court-martial, fully acknowledging the potential for an Under Other Than Honorable Conditions discharge. During their ADAPT

evaluation, the applicant admitted to using psilocybin, a Schedule I controlled substance, and claimed it was used to self-medicate for mental health challenges. However, no evidence was provided to substantiate this claim. The use of illegal substances is not excused or mitigated by mental health conditions, especially within the military.

The applicant cited a toxic work environment, isolation, and homophobic remarks as contributing stressors. While these claims were uncorroborated, the board determined they did not excuse or justify the applicant's misconduct or drug use. After reviewing all factors, the board found no inequity, impropriety, or mitigating circumstances that would warrant an upgrade. The applicant's recognized mental health challenges were determined not to outweigh the severity of their misconduct or the appropriateness of their discharge.

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 marked "PTSD" and "OTHER MENTAL HEALTH" on their application to the DRB, contending that they faced significant challenges related to their mental health, which they claimed was misdiagnosed and untreated. They alleged that their conditions had a profound impact on their behavior and ability to fulfill their duties effectively. They stated that they sought help and assistance multiple times for their mental health conditions but found the support they received to be inadequate.

The applicant believed the circumstances surrounding their discharge were influenced by their untreated mental health conditions. They also reported experiencing isolation and mistreatment, including homophobic jokes made by their leadership and the frequent suicides of peers at their isolated base in Alaska. They argued that their discharge status did not accurately reflect their service and commitment to the Air Force.

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

There is evidence and records indicating that the applicant received extensive inpatient and outpatient mental health treatment during service for anxiety/social anxiety, unresolved childhood trauma, depression, and suicidal ideation. They were hospitalized for approximately six weeks, and were then transferred to Laurel Ridge Treatment Center for about another month of inpatient psychiatric treatment. During this time, they were diagnosed and treated for PTSD, Alcohol Use Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, Adjustment Disorder with Mixed Anxiety and Depressed Mood, and Narcissistic Personality Disorder.

Treatment records from these facilities reported that the applicant was either minimally engaged or not engaged with treatment. After being discharged, they transitioned to outpatient mental health treatment, receiving individual psychotherapy and medication management at the mental health clinic. They declined PHP (Partial Hospitalization Program) and IOP (Intensive Outpatient Program) treatment upon discharge. With outpatient treatment, it was noted that their anxiety/social anxiety and depressive symptoms had

improved.

The applicant was evaluated by ADAPT, where they admitted to using drugs, specifically psychedelics. However, they did not receive alcohol or substance abuse treatment from ADAPT, informing their psychotherapy provider that they did not want to continue with ADAPT treatment, believing their alcohol problems would improve if they left or changed their friend group.

There is no evidence to support the applicant's claim that their mental health conditions were untreated or misdiagnosed, nor is there evidence that the treatment they received was inadequate, as alleged.

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

The applicant was discharged from service by request for discharge in lieu of a court-martial. Reports indicated that a confidential informant and witnesses had heard or observed the applicant using drugs, specifically psilocybin, though their Area Defense Counsel claimed there was no forensic evidence to substantiate the drug use. The specific date of their drug use was not reported. A review of the applicant's service treatment records revealed that they admitted to using psychedelics during their ADAPT evaluation, although the reason for their drug use was not reported.

During their first encounter at the mental health clinic, they reported having suicidal thoughts that began after the investigation against them started. The investigation reportedly began in March 2021, and as a result, a no-contact order was placed between the applicant and their friends. This caused feelings of loneliness, and they drank alcohol to cope with their depression. This report indicates that their mental health began to deteriorate due to the stress of the investigation.

During their intake evaluation at the mental health clinic later that year, the applicant reported struggling with living in Alaska and experiencing work-related stress. They stated that their depressive symptoms began earlier in the year, coinciding with receiving a Letter of Reprimand (LOR) for violating COVID rules. They described feeling degraded at work, believing the environment was toxic, and struggling with social interactions and social anxiety.

Although there is evidence that the applicant experienced mental health issues during service, there is no evidence that they used drugs specifically to cope with their mental health condition. While it is possible they may have used drugs as a coping mechanism, even if this theory is accepted, their use of an illicit drug like psilocybin, a Schedule I controlled substance, is not excused or mitigated by their mental health condition. Such drug use is considered inappropriate, particularly for a service member. Therefore, their mental health condition does not excuse or mitigate their discharge.

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

Since the applicant's mental health condition does not excuse or mitigate their discharge, it also does not outweigh their discharge. There is no inequity or impropriety identified with their discharge from a mental health perspective.

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.

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 "Under Other Than Honorable Conditions," the narrative reason for separation shall remain "In Lieu Of Trial By Court Martial," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 27 December 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, MD 20762-6435

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

Attachment:
Examiner's Brief (Applicant Only)