

**SUMMARY:** The Applicant was discharged on 26 November 2013 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) discharge for Unsatisfactory Performance. 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 only review. The Board was conducted on 21 November 2024. The Applicant was 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:

- Letter of Counseling for missing a mandatory appointment
- Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Failure

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 a review under liberal consideration to upgrade all aspects of their discharge. They claimed they experienced military sexual trauma (MST) that they did not report due to feelings of embarrassment, fear of ridicule, and retaliation. They stated that after the MST, they began to experience various symptoms, including depression, anxiety, sleep impairment, irritability, and social avoidance. To manage the symptoms, the Applicant turned to alcohol as a coping mechanism. After completing their tour at Kadena AB, Okinawa, they were reassigned to Langley AFB, VA and sought mental health services but did not mention the sexual assault to the provider. They claimed to have become worried about their alcohol

use and voluntarily enrolled in the ADAPT program; however, failed the program after testing positive for alcohol consumption on two occasions. After their discharge, they were diagnosed with PTSD due to the MST.

The DRB thoroughly reviewed the Applicant's records which revealed the discharge package showed that the squadron commander and base staff judge advocate recommended an Honorable service characterization, but the final paperwork stated a General. It is unknown if this was an administrative error or if the deciding official went against the recommendations. Nonetheless, although the Applicant failed the ADAPT program, the Board considered the broader context of their service. The Applicant's record revealed a positive service history, including five years of service with no significant disciplinary issues aside from a single letter of counseling. Further, a review of the Applicant's post-service records revealed the Applicant stated to post-service providers that they did not report their experience of MST during their time in service and began using alcohol to cope with the shame and depression associated with the experience. Based on the available evidence, the DRB determined the Applicant's in-service experience of MST more likely than not contributed to the Applicant's maladaptive substance use. Given these factors, the Board granted an upgrade to all aspects of the Applicant's discharge recognizing the Applicant's satisfactory service with an Honorable characterization.

**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 "sexual assault/harassment" on the application. The Applicant, through counsel, contended "[the Applicant] was the victim of military sexual trauma (MST). The trauma from the sexual assault manifested into them self-medicating with alcohol, which was ultimately used to justify their discharge."*

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

*Yes. A review of the Applicant's in-service records revealed the Applicant self-referred to the ADAPT program during their time in service due to maladaptive alcohol use. The Applicant's records revealed the Applicant received outpatient and inpatient substance use services during their time in service and received a diagnosis of alcohol dependence during their time in service. The Applicant's records revealed the Applicant reported symptoms of anxiety and depression related to bereavement. There is no evidence the Applicant received a diagnosis of PTSD during his time in service.*

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

*Yes. A review of the Applicant's DD214 revealed the Applicant was discharged with a general character of service due to alcohol rehabilitation failure with five years, six months and seven days time in service. A review of the Applicant's in-service records revealed the Applicant received one LOC during their time in service, reportedly for missing an ADAPT appointment. Based on a review of the Applicant's discharge*

*package, the Applicant was discharged due to two incidents in which they used alcohol and abuse cold medicine during the ADAPT aftercare program and therefore was considered to have failed the program. Based on review of the available records and testimony, the Applicant contended experience of military sexual assault occurred in/around September 2009. There is evidence the Applicant's pattern of maladaptive alcohol use began after this time period. A review of the Applicant's post-service records revealed the Applicant stated to post-service providers that they did not report this experience of sexual assault during their time in service and began using alcohol to cope with the shame and depression associated with the experience. Based on the available evidence the Applicant's in-service experience of sexual assault as likely as not contributed to the Applicant's maladaptive substance use and may have mitigated his discharge.*

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

*Based on a review of the available records, the Board concurs that, in consideration of the totality of the Applicant's time in service and the basis for their discharge, the negative aspects of the Applicant's career are outweighed by the impact of the Applicant's in-service experience of sexual assault on the misconduct's that led to the Applicant's discharge and relief should be granted.*

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 evidence of inequity.

**FINDING:** The DRB voted unanimously to **approve** the Applicant's request to upgrade their discharge characterization, to change the discharge narrative reason, to change the reentry code, and to change 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 inequitable. Therefore, the awarded characterization of service 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 25 November 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://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)