

**SUMMARY:** The Applicant was discharged on 11 August 2011 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions – (General) discharge for Misconduct (Other). The Applicant appealed for an upgrade of their discharge characterization.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 13 December 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 Applicant's record of service included the following documented misconduct leading up to their discharge:

- Letter of Counseling (LOC) for failure to report to duty at the time prescribed.
- Letter of Admonishment (LOA) for failure to report to the squadron's physical fitness.
- Letter of Reprimand (LOR) for failure to report to duty at the time prescribed.
- LOR for failure to report to the squadron's physical fitness and failure to wear the proper uniform of the day.
- LOC for failure to bring training material to training and behaving in a disrespectful manner.
- LOR for failure of a breathalyzer test while on duty.
- LOA for making a false official statement to the SEL.
- LOR for failure to report to duty at the time prescribed.
- LOR for consuming alcohol while on duty.
- LOR for failure to go to the designated place of duty at the time prescribed.
- LOR for being arrested by Highway Patrol for driving under the influence.

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 acknowledged that their discharge resulted from a regrettable incident involving a DUI, for which they took full accountability. They explained that since their separation, they had embarked on a journey of personal growth and reflection, striving to embody the core values of the Air Force and contribute meaningfully to society. The Applicant pursued educational opportunities to advance both personally and professionally, equipping themselves with skills to positively impact their community.

They expressed deep remorse for the incident that led to their discharge and provided context by disclosing a diagnosis of depression and alcohol use disorder during their active-duty service. While not offered as an excuse, they believed these factors might have contributed to their actions. The Applicant emphasized their awareness of the gravity of their misconduct and the harm caused, expressing sincere regret. They sought an upgrade to their discharge status as a reflection of their commitment to personal development, integrity, and the values they upheld during their service in the Air Force.

The DRB concluded that the Applicant's discharge resulted from a consistent pattern of misconduct. Although the Applicant attributed their actions to depression and alcohol use disorder, no evidence was provided to substantiate that these conditions excused or mitigated the misconduct. While the Applicant expressed remorse and highlighted efforts toward personal growth, their post-service behavior, as detailed in the independent medical examination, demonstrated continued maladaptive substance use, undermining their claims of rehabilitation and accountability.

The board found that the Applicant's repeated and deliberate misconduct, combined with a lack of compelling mitigating evidence and insufficient post-service efforts to address the underlying issues, warranted denial of the discharge upgrade request. The characterization of service as "Under Honorable Conditions – (General)" was deemed appropriate based on the severity of the offenses and the Applicant's overall 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 checked the box for "other mental health" on the application. The Applicant contended "I understand that my discharge stemmed from a regrettable incident involving a DUI, for which I take full accountability. I have dedicated myself to embodying the core values of the United States Air Force and have strived to make meaningful contributions to society."*

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

*There is no evidence the Applicant sought or received any mental health services during her time in service. The Applicant's records revealed the Applicant was command referred to substance use treatment services on three separate occasions during her time in service due to alcohol related misconducts. A review of the Applicant's substance use treatment records revealed the Applicant denied mental health symptoms during*

*her time in service but did endorse symptoms of stress related to financial and marital problems. A review of the Applicant's medical records revealed the Applicant requested an antidepressant medication from her primary provider due to symptoms of low mood but reported to her substance use provider that she did not take the medication and declined referrals to mental health provider for further evaluation.*

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 with three years, two months, nine days' time in service. The Applicant's contentions are contradictory to the evidence available for review in the Applicant's in-service records and the records submitted by the Applicant. The Applicant contended she was discharged due to receiving a DUI during her time in service. A review of the Applicant's discharge package revealed that the Applicant did receive DUI from civilian highway patrol during her time in service, but this was not the sole basis for her discharge. The Applicant's discharge package revealed a pattern of misconduct that persisted for the duration of the Applicant's time in service and escalated in severity and frequency. The Applicant's discharge package revealed the Applicant "failed six times to report for duty or a mandatory training, was found twice with alcohol on her breath while on duty, made a false statement to a SNCO [senior non-commissioned officer] and was arrested for a DUI." The Applicant contended that her discharge should be upgraded because "Since my separation from service, I have embarked on a journey of personal reflection and growth. I have dedicated myself to embodying the core values of the United States Air Force and have strived to make meaningful contributions to society." The Applicant submitted an independent medical examination document that was also submitted to the VA requesting an increase in compensation and ratings. A review of this document revealed the Applicant endorsed continued patterns of maladaptive substance use including daily marijuana use, alcohol 3-4 days per week and experimentation with cocaine, mushrooms, and ecstasy. There is no evidence a mental health condition caused or substantially contributed to misconducts that led to the Applicant's discharge. There is evidence the Applicant endorsed a pre-service, in-service, and post-service pattern of maladaptive alcohol use. The Applicant's maladaptive alcohol use may explain the Applicant's misconduct, but it does not mitigate or excuse the Applicant's misconduct.*

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

*Because the Applicant's misconduct was 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.

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 Honorable Conditions – (General),” the narrative reason for separation shall remain “Misconduct (Other),” 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://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)