

SUMMARY: The Applicant was discharged on 4 November 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions (General) character of service for Failure to Complete Commissioning or Warrant Program. The Applicant appealed for an upgrade of their character of service and a change to the narrative reason for separation.

The Applicant requested the Board be completed based on a records-only review. The Board was conducted on 31 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 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: an Article 15 for knowingly making false representations of never being treated or undergone rehabilitation for drug or alcohol abuse and had not ever experimented with, used, or possessed any illegal drug or narcotic, when in fact was previously treated for substance abuse detoxification and substance issues and had previously used cocaine and heroin.

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 contends their actions leading to their discharge were a result of stress and pressure they put on themselves to succeed in their training, which led to them drinking excessively and missing a class. The Applicant also alleges that their separation was due to a discrepancy between their medical history and their enlistment paperwork regarding their past use of illicit drugs. They argue that this was a small mistake made when they were younger and did not reflect their overall performance as an Airman. They also contend that the process was not conducted properly and thoroughly and that their DD-214 was not filled out accurately. The Applicant asks for a second chance, stating that they did their best and are deserving of clemency.

The Applicant provided the following documents in support of their claim: Personal Statement

The Applicant was discharged for Defective Enlistment: Fraudulent Entry. The basis for the discharge action was that the Applicant made knowingly false representations on their USAF Drug and Alcohol Abuse Certificate, stating that they had never been treated or undergone rehabilitation for drug or alcohol abuse and that they had never experimented with, used, or possessed any illegal drug or narcotic. However, the Applicant's records reflect they were seen in the mental health clinic during military training for suicidal thoughts, depression, and alcohol dependence at which time it was revealed that the Applicant was treated prior to military service for substance abuse detoxification and their medical record also revealed a history of drug use including cocaine and heroin which is not conducive to military service.

The DRB determined there was insufficient evidence of a mental health condition that excuses or mitigates the misconduct that led to their discharge and that an upgrade based upon clemency is warranted. The DRB determined there was insufficient evidence that there was a discrepancy in the Applicant's medical history. The Board noted an administrative error warranting correction on the Applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, that currently reflects the narrative reason for separation as Failure to Complete Commissioning or Warrant Program. The Applicant's record reflects a Fraudulent Entry narrative reason for separation was directed by the discharge approval authority.

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 other mental health box. In their letter to the Board, the Applicant stated they accepted the Article 15 and "knew the consequences of my actions that day, and I had no excuse for what I did." They noted they had used illicit drugs before the military and that their Commander decided to discharge them because of the discrepancy between their medical history that showed prior illicit drug use and their enlistment paperwork that showed no pre-military drug use.

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

The Applicant did not implicate a Mental Health (MH) condition in their application. The Applicant reported mental health treatment prior to service and teenage use of alcohol. The Applicant reported history of antidepressant medication and chronic suicidal ideation particularly when under the influence of alcohol. The Applicant was placed in a residential alcohol treatment program and discharged to intensive outpatient treatment and Alcohol and Drug Abuse Prevention and Treatment (ADAPT). However, there was no evidence that they were able to maintain sobriety during service. After separation, the Applicant received Antabuse, although they had received medication to treat alcoholism and was unsuccessful, the record showed that the Antabuse was effective in stopping their use of alcohol, but the record also showed in February 2024, that approximately every six weeks they planned to drink by not taking the medication for a few days. Despite being given medication to treat their anxiety and depression post-service, and medication

to prevent drinking alcohol, the Applicant continued to drink alcohol.

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

The Applicant did not provide any additional or clarifying information about how their alcohol use or mental health conditions affected or caused their behaviors and misconduct in service leading to their discharge from service. The Applicant was granted multiple opportunities at rehabilitation and continued to abuse alcohol to the point of dependency. It is possible that their alcohol abuse was an attempt at self-medicating depression and anxiety. However, the Applicant received extensive treatment for their mental health conditions and alcohol. Medication was prescribed for their depressive and anxiety symptoms. Based on the evidence, there is no mental health condition or experience to excuse or mitigate the discharge.

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

The Applicant's mental health conditions do not excuse or mitigate their discharge and they also do not outweigh their original discharge. There was no error or injustice identified with the discharge process from service.

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 character of service or to change the narrative reason for separation.

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 change to "Fraudulent Entry," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 15 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)