

SUMMARY: The Applicant was discharged on 27 July 2022 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Honorable Conditions – (General) discharge for Misconduct (Drug Abuse). 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 05 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 a Letter of Reprimand for misconduct leading up to their discharge.

The documentary evidence the Board considered as part of the review included but was 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 in their letter to the Board that they served as the sole medic at their assignment during the COVID-19 pandemic, during which time they were sexually assaulted. They described themselves as an outstanding medic who enjoyed their career before the assault, after which they were contacted by the Sexual Assault Prevention and Response team and filed a restricted report. While acknowledging their discharge under honorable conditions may be eligible for an upgrade, they shared that living with PTSD from the assault has been challenging, yet they remain determined to overcome their trauma. Prior to their military sexual trauma, they reported no history of drug misuse and have worked diligently since their discharge to rebuild their life.

The Applicant has focused on their recovery by engaging in intensive trauma work at the Fort Thomas Trauma Recovery Center, maintaining sobriety, and striving to improve. They previously worked as a

nursing assistant in a VA Medical Center ICU, continuing to serve others until their PTSD symptoms required them to prioritize their healing. Supportive statements from colleagues and treatment providers describe the Applicant as dependable, responsible, and committed to personal growth. They expressed gratitude to the Board for considering their request, stating they will continue striving to be the best version of themselves if granted an upgrade.

The DRB concluded there was impropriety in the Applicant's discharge. The Applicant's records presented a well-documented history of mental health conditions, including an in-service diagnosis of PTSD directly linked to their MST, for which they received extensive treatment. Evidence indicated that the Applicant had been under consideration for a Medical Evaluation Board (MEB) due to their mental health conditions, which, if completed, would likely have resulted in an honorable discharge. However, the discharge package failed to adequately address the Applicant's mental health conditions or the impact of their MST, demonstrating that these critical factors were not properly considered during the discharge process. In contrast, the Board found a lack of similar mitigating factors or clear evidence connecting mental health conditions to the Applicant's misconduct. Ultimately, the Board found the absence of MEB review deprived the Applicant of the opportunity to receive a characterization of service more reflective of their circumstances. The Board concluded that these factors collectively warranted the discharge upgrade.

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 boxes for "PTSD," "other mental health," and "sexual assault/harassment" on the application. The applicant contended "while I was deployed in place as the Sole Medic during the COVID pandemic I was sexually assaulted. Before my assault I was an outstanding medic. I loved every second of my career. After my assault I was admitted to the Chris Kyle Patriots hospital when I was contacted by SAPR and given the opportunity to place a restricted report." The applicant also contended "Prior to my MST and my military service I had never misused/used any drugs to cope with unwanted memories."

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

A review of the applicant's in-service records revealed the applicant received outpatient, inpatient, and residential mental health services during her time in service. The applicant's records revealed the applicant made a restricted report of sexual assault during her time in service and received the diagnosis of PTSD during her 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 four years, five months, twenty-eight days' time in service. A review of the applicant's records revealed the applicant initially sought mental health services related to symptoms of bereavement. The applicant's records revealed the applicant returned to the mental health

clinic approximately one year later reporting an exacerbation of symptoms and also avoidant behaviors, low mood and anxiety. The applicant received the diagnosis, in service of PTSD, due to reported experiences of sexual assault and childhood sexual abuse. The applicant received the diagnosis, in service, of post-traumatic stress disorder, and received in patient, residential, and outpatient services during her time in service.

Based on review of the available records, the applicants in service experience of sexual assault prior to the applicant's positive urinalysis. A review of the applicants in service mental health records indicated the applicant was experiencing marked distress related to her experiences of sexual assault, including functional impairments and avoidant behaviors. There is evidence the applicant's in-service experience of MST and her mental health condition of PTSD, were known at time of the applicant's discharge as there is evidence the applicant was being considered for MEB processing at the time of her discharge. A review of the applicant's discharge package does not reference or comment on the applicant's mental health condition but does include an addendum that addressed the applicant's desire to not have her sexual assault experience investigated, noting intentionally filed a restricted report. Based on the available records, there is evidence the applicant's in-service experience of sexual assault and mental health condition may have mitigated her discharge.

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

Based on a review of the totality of the applicant's time in service and the records available for review, there is evidence the applicant's in-service experience of sexual assault and mental health condition, diagnosed as PTSD in service, outweigh her general discharge characterization.

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.

FINDING: The DRB voted unanimously to **approve** 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 improper. Therefore, the awarded characterization of service shall change to "Honorable," 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 December 20, 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)