

**SUMMARY:** The Applicant was discharged on 29 June 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with a Under Honorable Conditions - (General) discharge for Misconduct (Serious Offense). The Applicant appealed for an upgrade of their discharge characterization.

The Applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on 05 November 2024. witnesses were present to testify on the Applicant's behalf.

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 Reprimand for Wrongful use of a controlled substance and drunken or reckless operation of a vehicle.

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 contended that the actions leading to their discharge stemmed from severe mental health issues and a traumatic brain injury (TBI). They explained that these factors contributed to a suicidal crisis and the use of psilocybin in an attempt to alleviate emotional distress. This drug use, occurring during a period of acute mental strain from a toxic work environment, resulted in reckless behavior and a subsequent car accident. The Applicant expressed deep remorse, recognizing the Air Force's zero-tolerance policy and describing the incident as uncharacteristic of their usual conduct. They sought to continue their service and argued that their overall record, which was exemplary before the incident, warranted an honorable discharge.

The Applicant highlighted their strong service history, including leadership roles and active community involvement, and attributed their mental health struggles partly to a perceived lack of support within their unit. They described how an injury that ended their aspirations to become a Pararescue (PJ) airman and personal stressors led them to make poor decisions. Since discharge, the Applicant reported focusing on rehabilitation and growth, participating in community service, athletic pursuits, and building supportive relationships. They provided character references from supervisors and colleagues who praised their dedication and resilience and had two witnesses speak on their behalf and good character. Additionally, the Applicant referenced Wilkie memo factors, emphasizing their nonviolent offense, youthful discretion, and commitment to change as reasons to reconsider the discharge.

The DRB found that while the Applicant attributed their actions to severe mental health issues and a traumatic brain injury (TBI), which they claimed led to suicidal ideation and psilocybin use during extreme emotional distress, there was insufficient medical documentation to support the existence of a TBI or mental health condition as mitigating factors. The Applicant highlighted a previously strong service record and expressed remorse with a desire to continue serving; however, the Board noted inconsistencies in their testimony and a lack of candor about past drug use. A review of records indicated that the command had already considered the Applicant's mental health claims during the original discharge process, with no evidence of impropriety or inequity. Furthermore, a history of prior recreational psilocybin use weakened the argument that this incident was solely related to a mental health crisis.

Although the Applicant referenced certain Wilkie memo factors, the Board identified additional inconsistencies in their statements about drug use and mental health, which undermined the credibility of their account and made it insufficient to support relief. Despite the Applicant's post-service efforts and supporting character references, the Board concluded that the misconduct—including drug use and reckless behavior—was incompatible with Air Force standards. Given the Air Force's strict policies and the evidence of repeated lapse in judgment, the Board upheld the original General discharge, deeming it necessary to maintain good order and discipline.

**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 "TBI" and "other mental health" on the application. The Applicant contended, "discharge and actions taken that led to discharge were based on severe mental health issues in combination with a TBI. I would have liked to continue to serve and had an extremely positive record before the suicide attempt on my life that was the reason for discharge."*

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

*It is unclear why the Applicant checked the box for TBI on the application. The Applicant did not provide any evidence or testimony regarding his contention that a TBI experience caused or contributed to his choice to use psilocybin during his time in service. A review of the Applicant's medical and mental health*

records revealed that the Applicant denied mental health symptoms before and after his motor vehicle accident. The Applicant's records revealed that the Applicant endorsed feeling isolated from peers in his unit upon return from leave but did not endorse any mental health symptoms upon discharge from the emergency room after his motor vehicle accident when asked directly by providers.

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

*A review of the Applicant's DD214 revealed that the Applicant was discharged with a general character of service due to misconduct (serious offense) with two years, four months, and twenty-eight days' time in service.*

*The Applicant's records and testimony revealed that the Applicant described symptoms development in response to relational stressors and difficulty coping with stressors that contributed to additional occupational and legal problems. The Applicant's records revealed that he chose to use drugs in a way that was incompatible with military service. There is no evidence that the Applicant sought mental health services or any other alternative coping strategies to address his feelings of isolation prior to using drugs. The Applicant's records revealed that the Applicant used hallucinogens on multiple occasions recreationally for the near duration of his time in service. A review of the Applicant's records revealed the Applicant's impulsive and reckless behavior was caused by his hallucinogen-induced mood disturbance; in particular, the Applicant's provider noted he reported he was hoping to feel "happy" as he did after his previous mushroom use but instead felt worse. A review of the Applicant's discharge package revealed that the Applicant made his mental health contention known to the command and the discharge authorities for consideration at discharge processing.*

*Based on the review of the Applicant's records, the Applicant's mental health contentions were known and fully considered by the Applicant's command during the discharge process. No inequity or impropriety was found in the review of the Applicant's records; thus, the Applicant's discharge due to serious misconduct, specifically wrongful use of a controlled substance and drunken or reckless operation of a vehicle, is not mitigated.*

4. Does that condition or experience outweigh the discharge?

*Because the Applicant's contended in-service experience of suicidal ideation due to mushroom use does not mitigate or excuse the Applicant's discharge, 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 seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

**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 (Serious Offense)," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 28

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://afrbaportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)

