

SUMMARY: The Applicant was discharged on June 8, 2022 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Under Honorable Conditions (General) Service Characterization for Misconduct – (Drug Abuse). The Applicant requested an upgrade of their Service Characterization.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on 13 March 2025. 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, including evidence submitted by the Applicant. The Board thoroughly reviewed 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:
-Article 15 for Wrongful use of Cocaine, Methamphetamine, and Fentanyl.
-Article 15 for Wrongful use of Fentanyl

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 stated that they were discharged at age 22 for drug abuse, and attributed this misconduct to self-medication as a way to cope with undisclosed intimate partner violence. They explained that fear and shame prevented them from seeking help at the time, and they maintained that the Air Force did not provide support prior to their discharge. While in rehabilitation and experiencing greater clarity, the Applicant expressed deep regret for past choices made under duress. Citing the Air Force's Core Values, and emphasizing that the fact that the abuse was inflicted by a fellow Airman further compounded the stress, the Applicant requested a discharge upgrade. This request was driven by a desire for a second chance to achieve both personal success and stability.

The DRB determined that the Applicant's discharge status should remain as it currently stands. This decision stems from a pattern of misconduct and insufficient evidence to warrant an upgrade. The Applicant's record

showed multiple Article 15s for drug use involving cocaine, meth, and fentanyl, exceeding isolated incidents and demonstrating a pattern of behavior. This pattern disqualified the Applicant from meeting the seven retention criteria. Furthermore, despite being referred to the ADAPT program, the Applicant did not complete the recommended treatment, signaling a lack of commitment to addressing the underlying issues. While the Applicant attributed their actions to unaddressed trauma from domestic violence, this claim was deemed inconsistent with records indicating they reported the abuse to the Family Advocacy Program and received support from their command. Additionally, the Applicant's voluntary termination of mental health services and decision to forgo a medical review for service suitability cast doubt on the severity of their claimed mental health concerns at the time. Therefore, the DRB concluded that the Applicant's discharge, based on a substantiated pattern of misconduct, was appropriate.

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 "intimate partner violence/domestic violence" on the application. The Applicant contended, in part, "I am the victim of domestic violence or intimate partner violence. I made a bad choice to self-medicate to attempt to survive and maintain my position at the time. I did not tell anyone, not even my parents. I was embarrassed and scared and didn't know what to do." The Applicant also contended, "I wasn't allowed to seek treatment, and no one addressed why I was acting the way I was. I was discarded. My fellow Airman physically and mentally abused me, and the USAF drove the final nail in my proverbial coffin with the discharge. I feel like the USAF left this Airman behind. I regret my poor choices, but I was young, scared, and seemingly alone in the fight."

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

A review of the Applicant's in-service medical, mental health and administrative records revealed the Applicant received mental health services for nearly a year before she was medically referred to substance use treatment due to opioid misuse during her time in service. The Applicant's records revealed that the Applicant received outpatient, intensive outpatient, and inpatient mental health and substance use treatment services during her time in service. There is no evidence or records that the Applicant received the diagnosis of PTSD during her time in service. There is no evidence that the Applicant endorsed or exhibited any clinically significant indicators of PTSD during her time in service. The Applicant's records revealed that the Applicant received the diagnosis of opioid dependence, severe, during her time in service. There is evidence that the Applicant experienced intimate partner violence during her time in service, and this experience was reported to the Family Advocacy Program (FAP).

3. Does that condition, or experience actually 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 (drug abuse) with three years, four months, and four days time in service. A review of the Applicant's discharge package revealed that the Applicant used multiple classes of prohibited substances on multiple occasions, including fentanyl, cocaine, and methamphetamine. The Applicant's records revealed that the Applicant endorsed pre-service substance use on the AF Form 2030.

The Applicant's contentions regarding intimate partner violence are contradictory to the records available for review in the Applicant's medical and administrative records. The Applicant contended in her request for relief from the Board, "I did not tell anyone, not even my parents. I was embarrassed and scared and didn't know what to do." The Applicant also contended, "I wasn't allowed to seek treatment, and no one addressed why I was acting the way I was. I was discarded." A review of the Applicant's records revealed the Applicant was command referred to the Family Advocacy Program (FAP) after an argument in the dorms that turned physical between the Applicant and her boyfriend. The Applicant reported she felt safe remaining in her dorm and reported her command to support the safety plan based on a review of the available records. The Applicant's records also revealed that the Applicant terminated mental health services voluntarily after nearly a year of receiving services, noting she did not want a medical review of her case for continued service suitability. The Applicant's substance use treatment records revealed that the Applicant continued to use alcohol heavily along with multiple classes of opiates, cocaine, and methamphetamine during outpatient, inpatient, and intensive outpatient services. A review of the Applicant's in-service and post-service records revealed a pre-service history of mental health conditions and substance use that were not denied by the Applicant at MEPS. Based on a review of the Applicant's records, the Applicant's mental health conditions and experiences of domestic violence were known and fully considered by the Applicant's command during her time in service and the discharge process. No impropriety or inequity was found in a review of the Applicant's records. Thus, the Applicant's discharge for misconduct (drug abuse) is not mitigated or excused.

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

Based on a review of the Applicant's records, the Applicant's mental health conditions and experiences of domestic violence were known and fully considered by the Applicant's command during her time in service and the discharge process. No impropriety or inequity was found in a review of the Applicant's records. Thus, the Applicant's discharge for misconduct (drug abuse) is 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 AND 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. The DRB voted unanimously to **deny** the Applicant's request. Therefore, the awarded Service Characterization shall remain "Under Honorable Conditions (General)," 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 April 16, 2025.

Should the Applicant wish to appeal this decision, they 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.

Instructions on how to appeal an AFDRB decision can be found at <https://afrbportal.azurewebsites.us>

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

Attachment:
Examiner's Brief (Applicant Only)