

SUMMARY: The Applicant was discharged on 26 May 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 a change to the discharge narrative reason.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 09 January 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, 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 positive drug urinalysis.

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.

In the application, the Applicant requested the DRB upgrade the discharge characterization of service from General to Honorable and change the narrative reason for discharge from Misconduct (Drug Abuse) to either Secretarial Authority or Miscellaneous/General Reasons. The Applicant stated that the 'review board' did not previously consider the Applicant's PTSD and mental health when determining the discharge status.

A review of the record revealed the Applicant did not receive any mental health services while in service. Once he was notified of his discharge, he visited the mental health clinic; however, denied any mental health symptoms. The Applicant, through counsel, contended he sought counseling in January and April 2021 for help in coping with a series of deaths in his personal life. The Applicant did not provide any records to substantiate this claim. A further review of the Applicant's in-service records revealed the Applicant

completed his mandatory annual mental health screener in January 2021 and denied all mental health symptoms and declined referrals. The Applicant's in-service mental health records revealed he was seen twice in the mental health clinic in April 2021 for deployment clearances at which time the Applicant again denied mental health symptoms and declined referrals. There is no evidence the Applicant exhibited or endorsed any clinically significant features of a mental health condition, during his time in service. As such, the Board did not find the Applicant's self-medication for anxiety justification plausible. Additionally, the Air Force has a zero-tolerance drug policy which the Applicant acknowledged on his AF Form 2023, *USAF Drug and Alcohol Abuse Certificate*, on 26 February 2019. The Applicant failed to provide documentation supporting their claims of a pre-existing mental health condition or subsequent attempts at treatment. This lack of demonstrated commitment to addressing the underlying issues leading to the discharge ultimately reinforced the DRB's decision that an upgrade was not warranted as there is no evidence a mental health condition caused or mitigated the misconduct(s) that led to the Applicant's discharge.

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, through counsel, contended "when considering the totality of [the Applicant's] overwhelmingly positive service against his one-time use of marijuana in an attempt to alleviate his anxiety while on leave, values of equity and fairness support his discharge status upgrade...[the Applicant] suffered from anxiety that arose during his military service which mitigates his decision to use marijuana."

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

A review of the Applicant's in-service records revealed the Applicant self-referred to the mental health clinic after he was notified of his discharge; at the time of his appointment he denied any mental health symptoms and declined any further services stating he was made the appointment immediately after he was notified of his administrative separation for drug use and was upset about the uncertainty of his future outside of the military. The Applicant's records revealed the Applicant otherwise denied mental health symptoms during his 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 three years, seven days time in service. A review of the Applicant's discharge package revealed the Applicant tested positive for marijuana upon return from leave.

The Applicant, through counsel, contended he sought counseling in January and April 2021 for "help coping with a series of deaths in his personal life." The Applicant did not provide any records to substantiate this claim; a review of the Applicant's in-service records revealed the Applicant completed his mandatory annual mental health screener in January 2021 and denied all mental health symptoms and declined referrals. The Applicant's mental health records revealed he was seen twice in the mental health clinic in April 2021 for deployment clearances at which time the Applicant again denied mental health symptoms and

declined referrals. There is no evidence the Applicant exhibited or endorsed any clinically significant features of a mental health condition, during his time in service. There is no evidence the Applicant was unaware of the Air Force's zero tolerance policy regarding drug use. There is no evidence to substantiate the Applicant's contention that he had a mental health condition in service. There is no evidence a mental health condition caused or mitigated the misconduct(s) that led to the Applicant's discharge.

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

Because the Applicant's discharge is 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 change the discharge narrative reason.

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.

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

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 (Drug Abuse)," and the reentry code shall remain "2B." The DRB results were approved by the Presiding Officer on 3 March 2025. 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)