

SUMMARY: The Applicant was discharged on 19 September 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions - (General) discharge for Misconduct (Drug Abuse). The Applicant appealed for an upgrade of their discharge characterization and 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 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 the following documented misconduct leading up to their discharge:

-Article 15 for wrongful use of delta 9 tetrahydrocannabinol (THC-9).

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 had been discharged after failing a single drug test for THC, explaining that they had been attempting to self-medicate due to feeling overwhelmed and desperate. They described this as a poor coping mechanism for their documented PTSD, which had resulted from combat deployments, the collapse of a seven-year marriage that had become abusive, and other personal tragedies, including the premature death of their child, their father's diagnosis with dementia in 2021, and chronic back pain. These challenges had led to severe emotional distress, including depression, anxiety, panic attacks, and suicidal thoughts. Despite these struggles, the applicant emphasized that they had maintained a proud and dedicated Air Force career spanning 14 years.

The DRB determined the applicant's discharge stemmed from the wrongful use of THC, which violated the military's zero-tolerance policy. The applicant admitted to using marijuana as a coping mechanism for stress but acknowledged awareness of the policy and its consequences. While the applicant cited PTSD and personal hardships, including a failed marriage, bereavement, and family stressors, their in-service medical records did not substantiate a diagnosis of PTSD during their service. Instead, the applicant was diagnosed with major depressive disorder, which was primarily linked to marital and family issues rather than their military service or deployments.

The applicant's records revealed they had received appropriate mental health care throughout their career and consistently reported their primary stressors were related to personal, not operational, challenges. Although the applicant submitted evidence of a VA disability rating and character references, the board noted that VA disability ratings operate under different criteria and do not evaluate misconduct or fitness to serve. Additionally, the applicant's use of marijuana was not deemed excusable or mitigated by a military service-related mental health condition. As a result, the board concluded that the applicant's discharge was appropriate and that neither the misconduct nor the characterization of service was outweighed by the applicant's mental health condition or personal experiences.

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" and "other mental health" on the application. The applicant contended "I was discharged from service after failing a one time drug test for THC. Trying to self medicate, overwhelmed[sic] and desperate I poorly attempted to deal with my documented PTSD symptoms caused by combat deployments, a failed marriage of 7 years that turned abusive toward me and other life tragedies such as the premature death of my child back-to-back in 2021 and 2022, and my father being[sic] diagnosed with dementia in 2021 combined, proved to be too much for me to process and further led to feelings of depression, anxiety panic attacks and suicidal[sic] thoughts at that time in my life. Despite these personal troubles I maintained[sic] and served a proud trouble-free Air Force career for 14 years in wich[sic] I was a stellar airman."

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

A review of the applicant's medical records revealed the applicant sought and received mental health services intermittently during his time in service related to marital stressors, family stressors, wife's miscarriage, divorce, and processing deployment experiences. The applicant records revealed the applicant reported experiencing symptoms of depressed mood as early as elementary school. The applicant also reported symptoms of being triggered by experiences from his 2012 deployment but reported no functional impacts or impairments and throughout his career reported to providers that his primary stressors were related to his marriage and desire to have children. The applicant received the diagnosis, in service, of major depressive disorder. A review of the applicant's in-service mental health records revealed the applicant was evaluated for his reported symptoms of PTSD during his time in service and did not meet

criteria for PTSD during his time in service. There is evidence the applicant intermittently endorsed symptoms of nightmares but denied any functional impairment.

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 fifteen years, four months time in service.

A review of the applicant's medical records revealed the applicant sought and received mental health services intermittently during his time in service related to marital stressors, family stressors, wife's miscarriage, divorce, and processing deployment experiences. The applicant's records report the applicant utilized the mental health clinic, primary care behavioral health, and civilian mental health providers during his time in service and consistently reported his primary stress to be low mood related to marital and family stressors. A review of the applicant's substance use treatment records revealed the applicant reported he chose to use marijuana to help him relax from the stress of his divorce proceedings. There is no evidence the applicant was unaware of the applicant's zero tolerance policy regarding substance use. While divorce proceedings are stressful, they do not constitute a mitigating mental health condition that excuses the applicant's misconduct.

The applicant submitted his VA rating decision summary as evidence in support of his contentions. Regarding the applicant's concurrence with his VA ratings, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release for service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the "snapshot in time" of the applicant's service, there is no evidence a mental health condition mitigated the misconduct 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, 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 Board voted unanimously to *deny* the Applicant's request to upgrade their discharge characterization and 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.

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 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)