

**SUMMARY:** The Applicant was discharged on 26 October 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.

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 Board 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 the wrongful use of 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 requested an upgrade to their discharge, citing that during their service, they experienced mental, physical, and sexual trauma. They reported being diagnosed with major anxiety disorder and depression early in their career, conditions they continued to manage with medication. The Applicant stated they were deployed to Qatar during Operation Allied Refuge, where they encountered numerous life-altering scenarios that had a lasting impact on their mental health.

Upon returning home, the Applicant stated they began self-medicating with marijuana to cope with constant manic episodes, which ultimately led to their separation under General (Under Honorable Conditions). They asserted that both of their enlistments were served honorably and requested that their discharge paperwork reflect honorable service.

The DRB determined that there was no evidence of inequity or impropriety in the characterization of service. The Applicant was discharged under General (Under Honorable Conditions) for misconduct involving drug abuse, specifically the wrongful use of THC. The Applicant waived their right to an administrative discharge board hearing in exchange for a General characterization, which was deemed appropriate by their command given the circumstances.

While the Applicant contended that their drug use was an attempt to self-medicate for mental health challenges stemming from trauma and stress during their service, including their deployment to Operation Allied Refuge, the board found no mitigating nexus between these conditions and the misconduct. A review of the Applicant's records revealed that mental health concerns were considered at the time of discharge, and there was no evidence that the misconduct was substantially caused by or excused by the Applicant's mental health conditions. Furthermore, inconsistencies in the Applicant's statements regarding the reasons for their drug use undermined their argument. The board concluded that the General discharge appropriately reflected the Applicant's service and misconduct, and no further relief was warranted.

**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 "other mental health" and "sexual assault/harassment" on the application. The applicant contended "I'm requesting for my character of discharge to be upgraded due to the fact that while serving I acquired mental, physical, and sexual traumas. I was diagnosed with a major anxiety disorder and depression early in my career that I have been treating with medications to current date. While deployed to Qatar during "Operation Allied Refugee" I was introduced to many life altering scenarios that I will never recover from. Ultimately after returning home from that experience is when I self-medicated with marijuana to ease the constant manic episodes that started, which is why I was separated under General conditions. I believe that both of my enlistments were served honorably and I would like my paperwork to reflect that."*

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

*A review of the applicant's in-service records revealed the applicant reported symptoms of anxiety during his time in service. The applicant's records revealed the applicant received medication management from his primary care provider during his time in service after reporting to mental health providers that he no longer wanted mental health services. The applicant's records revealed the applicant requested three opinions and psychological testing during his time in service because he believed he had diagnosis of PTSD and should be discharge. The applicant's medical record revealed "The member has been assessed for the presence of Post-Traumatic Stress Disorder and was determined to not meet criteria for this condition. There is no evidence that the member meets diagnostic criteria for any other condition (e.g. Traumatic Brain Injury) that would require referral to a medical evaluation." A review of the applicant's mental health records revealed the applicant reported frustration with the military environment and despair over the loss*

*of a friend and received the diagnoses of bereavement and adjustment disorder with anxiety 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 discharge with a general character of service due to misconduct (drug abuse) with eight years, six months, twenty days time in service.*

*A review of the applicant's discharge package revealed the applicant was discharged due to misconduct, drug abuse. The applicant's contentions in his request for relief from the board are significantly different than the reasoning the applicant stated for using drugs in his written response to this article 15.*

*The applicant's records revealed the applicant's commander accepted the applicant's request to conditionally waive his right to an administrative discharge board contingent upon receipt of no less than a General service characterization. The applicant was discharged, per the applicant's request, with a general characterization of service. A review of the applicant's written response to his article 15 revealed the applicant made his mental health contention known to his leadership and discharge authorities at the time of his discharge processing. The applicant stated "When I experimented with marijuana edibles (specifically for anxiety) I was going through the most difficult time in my career and wanted to escape from my troubles. I was out-processing from [AFB] while also filing a complaint against my direct supervisor for homophobia and bullying in the workplace." The applicant contends to the board that he was self-medicating due to "constant manic episodes" upon return home from Operation Allied Refugee, which occurred nearly two years prior to the applicant's positive drug test. A review of the applicant's records revealed no evidence or indicators of clinically significant "manic" and "manic-like" behaviors and there is no evidence the applicant reported any such behaviors to a medical professional prior to using chocolate edibles to self-medicate in social setting with peers. While there is evidence the applicant reported being under stress due to his PCS, there is no evidence of a mitigating nexus between the applicant's in-service mental health condition and the misconduct that led to his discharge.*

*The applicant submitted a summary of his VA ratings as evidence in support 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 from 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 caused or substantially contributed to the misconduct which led to the applicant's discharge*

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

*Based on review of the available records, the applicant's mental health conditions were known and considered by his command at the time of the applicant's discharge. No error or impropriety was found in a review of the applicant's discharge; because the applicant's discharge was not mitigated by his in-service 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 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 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 "4D." 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)