

SUMMARY: The Applicant was discharged on June 30, 2016 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other than Honorable Conditions Service Characterization for In Lieu of Trial by Court-Martial. The Applicant requested an upgrade of their Service Characterization.

The Applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference using Zoom on February 19, 2026. No 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, 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 dereliction of performance

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 during the time on active duty they developed multiple injuries and mental health issues which led to a dependency on pain medication. After their prescription ended, they experienced withdrawal and began illicitly obtaining medication, and subsequently a positive drug test. To avoid a court-martial, the Applicant elected to be administratively discharged with an Under than Honorable Conditions Discharge. Since their discharge, they stated they have been hospitalized three times for suicidal ideations over the past decade. In addition, they provided medical records that document long-term opioid use for various injuries during their time on active duty.

The DRB determined the Applicant's discharge was improper. The DRB noted that the Applicant's disciplinary issues only began in the last two years of their service, which coincided with the onset of their medical and

mental health problems and the prescription of medication. The Board acknowledged that at the time, the medical community did not fully understand the long-term effects and addiction risk of the prescribed drugs. Given this context, the DRB concluded the punishment was overly harsh. Consequently, the Board approved the Applicant's request to upgrade their service characterization.

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 box for "other mental health" on the application. The applicant contended "While on active duty for over 13 years, I had multiple health issues that caused me to be prescribed pain medication. I had surgery on my right shoulder and was referred off base to a pain management clinic. After being on pain medication for around two years, I had become physically dependent upon the medication. When the provider at pain management took me off of the medication, I went into physical withdrawals. At that time, opioid abuse disorder was considered the patient's fault due to assumed medication abuse. Therefore, I did not seek treatment through the medical provider. I was able to procure pain medication from a neighbor until I had a positive drug screen and was subsequently discharged instead of facing court martial. Attached are medical records showing long term use of opioids while on active duty for various injuries/diagnosis. Due to long term medication use and over 13 years of service on active duty also attached are mental health records of depression diagnosis. I was being treated by mental health while on active duty for a period of four years before being discharged."

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

A review of the Applicant's records revealed the Applicant received outpatient and inpatient mental health services during their time in service. The Applicant's records also revealed the Applicant was command referred to substance use treatment services during their technical training due to alcohol misuse. The Applicant's records also revealed the Applicant was command referred to the Family Advocacy Program during their time in service due to allegations of intimate partner violence. A review of the Applicant's in service records revealed the Applicant reported symptoms of insomnia and low mood subsequent to marital problems during their time in service which were noted to be resolved after engagement with therapy and medication management services. The Applicant also reported symptoms of stress and poor concentrations that onset after they were notified they would be court martialed. The Applicant's records revealed the Applicant received the diagnosis, in service, of adjustment disorder.

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 an Under Other Than Honorable character of service in lieu of trial by court martial with thirteen years, nine months, twenty days time in service.

The Applicant's discharge package was not available for review. A review of the Applicant's administrative record revealed that prior to the Applicant's positive drug test, they were involved in domestic dispute involving civilian authorities that resulted in the Applicant being charged with four felonies and one misdemeanor. The

Applicant's records also revealed the Applicant received an article 15 for underage drinking during their technical training. A review of the Applicant's medical records revealed the Applicant inconsistently sought treatment for a shoulder injury and was told that further surgical intervention was not needed, and that physical therapy would increase range of motion. The Applicant's records revealed the Applicant routinely sought narcotic medications from ERs and civilian pain management specialists. A review of the Applicant's records revealed the Applicant sought a diagnosis of ADHD during their time in service and routinely filled the prescriptions although lab results indicated the Applicant was not medication compliant and instead tested positive for two other classes of narcotics.

The Applicant's records revealed the Applicant sought and was granted a discharge in lieu of court martial proceedings. A review of the Applicant's mental health records revealed the Applicant endorsed mental health symptom onset in response to marital problems and the stress of legal proceedings. While marital discord and military legal proceedings can be stressful, they do not constitute a mental health condition that mitigates the misconduct that initiated the legal proceedings or the Applicant's discharge. Furthermore, the intent of liberal consideration generally does not apply in circumstances involving harm to others or premeditated misconduct.

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 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 improper. The DRB voted unanimously to **approve** the Applicant's request. Therefore, the awarded Service Characterization shall change to "Under Honorable Conditions (General)," the Narrative Reason for separation shall remain In Lieu of Trial by Court-Martial, and the Reentry Code shall remain 2B. The DRB results were approved by the Presiding Officer on February 20, 2026.

Should the Applicant wish to appeal this decision, they 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*.

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)