

SUMMARY: The Applicant was discharged on 21 August 2023 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Other Than Honorable Conditions discharge for In Lieu Of Trial By Court Martial. 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 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 an arrest for driving under the influence, with a blood alcohol content exceeding the legal limit.

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 their last two years of service had been marked by significant personal and professional challenges. They struggled with untreated PTSD, a second divorce, and the ongoing stress of operating drones. In an attempt to cope, they began self-medicating with alcohol and marijuana. Despite seeking help, the Applicant claimed their supervisors did not provide adequate support, resulting in repeated visits to mental health facilities during their final year of service.

The Applicant requested an upgrade of their discharge, arguing that their 19+ years of exceptional service, as reflected by their decorations, medals, badges, and military education, should outweigh the difficulties of

their final years. They appealed to the Board to recognize their service and grant the requested upgrade as a testament to their overall contributions to the Air Force.

The DRB determined this discharge was initiated due to a pattern of escalating misconduct, including multiple instances of drug use, possession, and a DUI. The Applicant had also received prior disciplinary actions, including an Article 15 for being absent without leave and an administrative demotion for failing to perform duties as a non-commissioned officer. The Board noted that these actions demonstrated a consistent failure to adhere to military standards despite significant opportunities for rehabilitation and support.

While the Applicant cited untreated PTSD, personal challenges, and a lack of support as contributing factors to their misconduct, an extensive review of medical and administrative records revealed no evidence that these conditions excused or mitigated their behavior. The Board found no clear connection between the Applicant's mental health conditions and their misconduct. Furthermore, the Applicant's records highlighted a pattern of maladaptive substance use, lack of accountability, and limited engagement with treatment programs. However, the Board determined that an "Under Other Than Honorable Conditions" discharge was unduly harsh, and that the Applicant's misconduct did not rise to the level warranting such a characterization. As a result, the Board concluded that an "Under Honorable Conditions (General)" discharge was a more appropriate characterization, balancing the misconduct with recognition of the Applicant's overall contributions.

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 served my country for 19 years and 3 months honorably. I was a Sensor Operator for 10yrs and 5 months. I then was a Cyber Defense Operations Craftsman(CDOC) 8 years and 10 months. As a CDOC I operated the drones. Over the course of the almost 10 years of performing my duties, my mental health deteriorated and was waging a battle with PTDS [sic]. Looking at my service record one can see all the accolades, awards, service medals and Outstanding awards I obtained in my 19+ years. The last 2 years of service were difficult for me. I was going through a second divorce, PTSD untreated, while still operating drones. I began to self-treat with alcohol and marijuana. I needed help, yet my supervisors did not provide such help. I was in and out of mental facilities the last year of service. I am asking the Board of Air Force to review my discharge to upgrade based off of 19+ years of outstanding service. My decorations, medals and badges as well as all of my military education should be a testament to my conduct during those years in service and should not be discarded. I served my country and now I'm asking my country to help me."

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

A review of the Applicant's records revealed the Applicant received marital therapy and mental health services during the last three years of his time in service. The Applicant's records revealed the Applicant endorsed several depressive and traumatic symptoms to providers during his time in service, including

nightmares, avoidance of specific reminders of trauma, negative cognitions associated with the mission, irritability, anhedonia, withdrawal, guilt, poor sleep, and elevated anxiety, including somatic symptoms, nausea, vomiting, and frequent episodes of elevated anxiety. The Applicant's records also revealed a history of heavy alcohol use for which the Applicant was command referred to ADAPT and endorsed continued alcohol use during his time in treatment. The Applicant's records also revealed the Applicant tested positive for THC on multiple occasions during his time in service. Based on a review of the Applicant's records, the Applicant exhibited a maladaptive pattern of substance use during his time in service that escalated in use and severity to include drug use and legal consequences. The Applicant received the diagnoses, in service, of major depressive disorder, alcohol dependence, and cannabis use disorder. The Applicant's medical records revealed the Air Force medical standards review board reviewed the Applicant's request for a MEB and opined that they found "no clear connection between the Airmen's medical condition and misconduct." The Applicant's mental health records revealed the Applicant was evaluated on multiple occasions by multiple providers, both civilian and military, and did not meet criteria for PTSD at any time during his time in services.

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 nineteen years, three months, sixteen days' time in service.

A review of the Applicant's discharge package revealed the Applicant requested and was granted administrative discharge in lieu of trial by court martial for misconducts including drug use and possession on multiple occasions in 2022 and 2023. A review of the Applicant's administrative records revealed the Applicant received an LOR and administrative demotion in 2021 for driving under the influence and failing to perform duties of a non-commissioned officer, an article 15 for being absent without leave for two days in 2020.

The Applicant's medical records revealed the Air Force medical standards review board reviewed the Applicant's request for a MEB and opined that they found "no clear connection between the Airmen's medical condition and misconduct." Based on the available records, the Applicant's mental health conditions were known and fully considered by the discharge authorities prior to and at the time of the Applicant's discharge. The Applicant's records revealed a pattern of maladaptive substance use, escalating misconduct, and a lack of candor in his engagement with mental health and substance use treatment services. Based on a review of the Applicant's records applicant's misconducts and mental health symptoms were as likely as not due to the Applicant's maladaptive substance use, as there is no evidence of either misconduct or mental health symptoms prior to the onset of the Applicant's maladaptive substance use. There is no evidence of a mitigating nexus between the Applicant's in-service mental health conditions and the misconduct(s) for which he was discharged. No error or impropriety was found in the review of the Applicant's discharge processing.

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

Because there is no evidence of a nexus between the Applicant's in-service mental health conditions and the misconduct(s) for which he was discharged, the Applicant's discharge is not outweighed by a mental health condition.

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.

FINDING: The Board voted unanimously to **approve** 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.

The Board determined that the Applicant's service was honest and faithful, but that significant aspects of the member's conduct outweighed positive aspects of the member's military record. Thus, a General (Under Honorable Conditions) characterization, rather than an Honorable characterization, was appropriate.

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. Therefore, the awarded characterization of service 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 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)