

SUMMARY: The Applicant was discharged on 16 September 2010 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with Under Honorable Conditions - General for Involuntary Test Positive for Drugs. The Applicant appealed for an upgrade to the discharge narrative reason and a change to the reentry code.

The Applicant requested that the Board be completed based on a records-only review. The Board was conducted on 19 December 2024. Counsel did not represent the Applicant.

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 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 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:

An Article 15 was issued for wrongful use of an intoxicating substance to alter mood or function, forfeiting \$500, and demotion to Airmen Basic.

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 claims that serving in the United States Air Force brought them structure and focus that they did not have prior to enlistment. However, due to their Pakistani heritage, they experienced harassment, including being called derogatory names. The mental strain from this harassment led the Applicant to seek treatment for depression and anxiety through the base psychologist. At the young age of 18, while trying to change their image, the Applicant began associating with a "bad crowd," which ultimately resulted in their discharge. After the discharge, the Applicant was diagnosed with depression and anxiety, conditions that were later revealed to have a familial history. The Applicant appears to have a clear understanding of the circumstances surrounding their actions but believes that the undiagnosed mental health issues and the

harassment they faced contributed to the events that led to their discharge. The Applicant asserts that there are additional mental health conditions relevant to their case and is requesting an upgrade to their separation code, reentry code, and narrative reason for separation.

The DRB determined there's no evidence of a mitigating nexus between the Applicant's claimed mental health condition and the drug use. The record relieved the Applicant was named in an investigation and, in response, was involuntarily drug tested, which later resulted in a confession from the Applicant of smoking an intoxicating substance. The Applicant admitted using the known substance twice, approximately two months after entering the military. On both occasions, the Applicant smoked the substance inside the dorms in another Airman's bathroom with something covering the door. On the DD Form 2030, the Applicant denied ever partaking in any drugs, which indicates there is no history of substance abuse. Referencing the statements from the Applicant's peers, they were smoking regularly; one person stated up to 80 times since entering the military. Leadership issued a nonjudicial punishment through Article 15, forfeiting \$500, and demotion to Airmen Basic. Although the number of times the Applicant used the substance was significantly less than others, it still doesn't excuse or undermine the misconduct; therefore, the DRB found the misconduct outweighed the Applicant's service.

LIBERAL CONSIDERATION: The Board considered the Under Secretary of Defense memorandum, Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records (BCMRs/BCNR) by Veterans Claiming Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI), dated 24 February 2016, commonly known as the "Carson Memo." Specifically, cases considered previously but without the benefit of the application of Liberal Consideration shall be, upon petition, granted a de novo review utilizing the Supplemental Guidance. The Board found that it did not apply Liberal Consideration when it considered the case previously; therefore, the Board determined the case was eligible for de novo review, incorporating the Supplemental Guidance.

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), 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, "When I was service in the US Air Force, it brought me structure and a focus I've never had before but even still, due to my Pakistani heritage I found myself being harassed and treated differently often being called many derogatory slanders, it continued, and I ended up speaking to an on-base psychologist due to the treatment and being mentally exhausted with talks that I may have depression and anxiety, but I wasn't diagnosed until they were deployed. At the time, being 18 years of age, after the sessions ended, thinking I would do something to change others' views of me, I ended up falling in with a "bad crowd." After being discharged under honorable conditions, I went to a civilian doctor. I was diagnosed with depression and anxiety, and after tests, I found out it ran in my family. I understand what I did was wrong, but I feel as if

being harassed and undiagnosed caused me to end up on that path."

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

A review of the Applicant's records revealed the Applicant sought and received mental health services related to symptoms of difficulty adjusting to the military lifestyle and family-of-origin issues stemming from his parent's divorce and feeling as if his family was treating him differently after his decision to join the military. The Applicant's records revealed the Applicant attended seven sessions and reported his symptoms had resolved and discontinued mental health services. The Applicant received the diagnosis of adjustment disorder with anxiety and depression during his time in service, which was noted to have resolved at the time of his disciplinary action and discharge processing.

3. Does that condition or experience actually excuse or mitigate the discharge?

A review of the Applicant's DD214 revealed that the Applicant was discharged with a general character of service due to a positive drug test. The Applicant had eleven months and eleven days' time in service. A review of the Applicant's response to Nonjudicial Punishment revealed the Applicant acknowledged that Applicant smoked spice with his peers after returning from Christmas break during basic training. A review of the Applicant's records revealed the Applicant began using substances known to him to be prohibited approximately two months after Applicant entered the military. The Applicant's contentions are contradictory to the evidence available for review. A review of the Applicant's mental health records revealed the Applicant sought mental health services upon return from the Christmas exodus because the Applicant felt their family was not interested in them due to joining the military and believed the family treated the Applicant differently due to joining the military. The Applicant's mental health records revealed the Applicant reported symptoms to be resolved after seven therapy sessions focused on processing his parents' divorce and future goals. There is no evidence the Applicant reported harassment of any kind to medical, mental health, chaplains, or any leadership or peers during their time in service. There is no evidence that the Applicant exhibited or endorsed the effects of being harassed or indicated he was unaware of resources available to support or report harassment during their time in service. There is no evidence of a mitigating nexus between the Applicant's in-service mental health condition and the misconduct for which the Applicant was discharged. The Applicant was discharged due to drug use (spice). Based on the available evidence in the Applicant's records, there is evidence the Applicant was having difficulty adjusting to military life. The Applicant reported he chose to use drugs in a way that was incompatible with military service, which may explain the Applicant's drug use. Still, it does not mitigate the Applicant's misconduct.

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

There is no evidence of a mitigating nexus between the Applicant's in-service mental health condition and the misconduct for which he was discharged. Because the Applicant's discharge is not mitigated, 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, to change the discharge narrative reason, and to change the reentry code.

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 thoroughly reviewing the available evidence, including the Applicant's issues, a summary of service, service/medical record entries, and the discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "Under Than Honorable Conditions -General," the narrative reason for separation shall remain "Involuntary Test Positive for Drugs," and the reentry code shall remain "2B." The Presiding Officer approved the DRB results on 12 February 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

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

Attachment:
Examiner's Brief (Applicant Only)

