

SUMMARY: The Applicant was discharged on 3 October 2023 in accordance with Department of the Air Force Instruction 36-3211, Military Separations, with a Under Honorable Conditions - General for Misconduct Drug Abuse. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 9 January 2025. 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: Nonjudicial punishment (NJP) for wrongful use of a Schedule I controlled substance and received a reduction in rank, pay, and a reprimand.

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.

In the application, the Applicant requested the board upgrade the character of service, separation code, re-entry code, and narrative reason for separation based on PTSD and other mental health issues. The Applicant contended they have demonstrated a strong commitment to their duties, performed all tasks with dedication, and their record reflects a high level of professionalism. They contended stress from work and home led them to suffer from mental health problems and although they sought treatment, ultimately their condition wasn't properly treated.

The record revealed the Applicant's urinalysis testing results reported on 27 Feb 2023 and 27 Mar 2023, use of Delta-9 THC. Further, the 27 Mar 2023 urinalysis testing also revealed Applicant's use of Delta-8 THC.

The Applicant received NJP for the 27 Feb 2023 positive urinalysis resulting in reduction in rank, suspended forfeiture in pay, and a reprimand. In the Applicant's NJP response, they took responsibility for their actions and expressed the current issues causing them stress such as a toxic work environment, dealing with racism, and an argument that almost became physical at work. A review of the Applicant's in service records revealed they sought and received mental health services intermittently while in service. The Applicant reported symptoms of difficulty regulating emotions in response to external stressors and partner relationship problems. The Applicant engaged in therapy and medication management, receiving the diagnosis of adjustment disorder. There is no evidence the Applicant received the diagnosis of PTSD during their time in service and no evidence the Applicant exhibited or endorsed any clinically significant indicators of PTSD while in service. In response to their discharge, the Applicant's stated that they were struggling with their mental health which led them to their misconduct. Yet, at the time of the misconduct, the Applicant's records revealed they reported to mental health providers that their symptoms had subsided and were well controlled on their prescribed medication. Based on review of the Applicant's records, their mental health condition and contentions were known and fully considered by command during the discharge process. Further, the Applicant was entitled to an administrative discharge board; however, the Applicant waived their right through a conditional waiver contingent on them receiving no less than an Under Honorable Conditions (General) service characterization. The DRB carefully considered the totality of evidence and determined that the discharge was neither improper nor inequitable.

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 "PTSD" and "Other mental health" on the application. The applicant contended "throughout my service, I demonstrated a strong commitment to my duties and responsibilities. I consistently performed my tasks with dedication and reliability. My record reflects a high level of professionalism and adherence to military standards. During this time, I was suffering from mental health problems and was also seeking treatment. With all of the stress at home and work I don't believe I was able to properly be treated and receive help."

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

A review of the applicant's in service records revealed the applicant sought and received mental health services intermittently during her time in service. The applicant reported symptoms of difficulty regulating her emotions in response to external stressors and partner relational problems. The applicant engaged in therapy and medication management and received the diagnosis of adjustment disorder that was noted to be resolved at the time of the applicant's discharge. There is no evidence the applicant received the diagnosis of PTSD during her time in service. There is no evidence the applicant exhibited or endorsed any clinically significant indicators of PTSD during her time in service. The applicant's records revealed the applicant was command referred to substance use treatment services (ADAPT) due to multiple positive urinalysis during her time in service. The applicant's records revealed the applicant deferred participation and then declined ADAPT services during her 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 seven years, two months, two days time in service. A review of the applicant's discharge package revealed the applicant requested and was granted an unconditional waiver of her right to an administrative board hearing in exchange for a general discharge. The applicant's discharge package revealed the applicant was discharged due to drug abuse as evidenced by positive urinalysis on multiple occasions. A review of the applicant's Written Response to Offer of Nonjudicial Punishment memorandum, the applicant made her mental health condition known to her command at the time of her disciplinary actions and discharge processing. The applicant stated (in part) "I thought I could control and rehabilitate my mental health with the help of my psychiatrists and medication, but in the past several months I have realized that it was negatively affecting me more than I initially thought. I continued utilizing my resources of mental health to try and find healthier alternatives to cope with stress. My momentary lapse in judgement does not represent who I am." The applicant also stated "I ask you take into consideration the amount of stress I was going through and the healthy avenues I tried to take before I had the lapse in judgement." The applicant was discharged due to drug use. There is evidence the applicant sought and received mental health services during her time in service including medication management and therapy services related to intimate partner relational problems and difficulty regulating emotions. The applicant's service records reveal a history of pre-service marijuana use. At the time of the applicant's misconduct, the applicant's records revealed the applicant reported to mental health providers that her symptoms had abated and were well controlled on the medication she was prescribed. Based on review of the applicant's records, the applicant's mental health condition and contentions were known and fully considered by the applicant's command during the discharge process. The applicant's discharge revealed the discharge authority accepted the applicant's request for an unconditional waiver and granted her general discharge request.

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

Based on review of the applicant's records, the applicant's mental health condition and contentions were known and fully considered by the applicant's command during the discharge process. No inequity or impropriety was found in a review of the applicant's records, thus the applicant's discharge is 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.

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

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 3 March 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

Attachment:
Examiner's Brief (Applicant Only)