

**SUMMARY:** The Applicant was discharged on 17 April 2012 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions (UOTHC) for In Lieu of Trial by Court Martial. The Applicant appealed for an upgrade of their discharge characterization, a change to the discharge narrative reason, and a change to the separation code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 16 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 did not include any documented misconduct leading up to their discharge.

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 reported that their mental health had been severely impacted since 2006, when they were raped by a co-worker at a house party. They were advised to do an "unreported" incident due to their upcoming deployment in January 2007. After returning from deployment in November 2007, the Applicant stated they were further traumatized by the death of four co-workers and their Captain in a Black Hawk helicopter crash. The Applicant witnessed the aftermath of the crash and was involved in the cleanup, which exaggerated their trauma. As a result, the Applicant stated they turned to self-medication to cope with their unaddressed emotional pain. After years of encouragement from friends and family, the Applicant sought professional help and was diagnosed with post-traumatic stress disorder (PTSD) by a doctor and clinician specialist.

The DRB determined the discharge was proper and equitable. A review of the Applicant's discharge

package revealed in December 2011, the Drug Demand Reduction Program (DDRP) received a positive drug testing report indicating the Applicant tested positive for cocaine at a level of 218ng/ml which is above the Air Force's cut off level of 100ng/ml. A review of the Applicant's medical, dental, and pharmacy records was conducted and determined the Applicant did not have a current medical prescription or recent medical procedure to account for the positive results. In February 2012, the charge of wrongful use of cocaine in violation of Article 112a of the Uniform Code of Military Justice was referred to a special court-martial. In April 2012, the Applicant requested for discharge in lieu of trial by court-martial with an Under Other Than Honorable Service (UOTHC) characterization. They acknowledged the adverse nature such characterization and the possible consequences thereof. The request was approved as being in the best interest of the United States Air Force. The Applicant was medically cleared and did not have a mental disease or defect that caused them to lack the substantial capacity to conform to the law at the time of their misconduct. The Applicant signed the AF Fm 2030, *USAF Drug and Alcohol Abuse Certificate*, in October 2003, acknowledging if identified as a drug or alcohol abuser while a member of the Air Force, appropriate disciplinary or administrative action may be taken against them, to include trial by court martial or discharge under less than honorable conditions.

The Applicant contended they self-medicated due to their unhealed trauma due to the helicopter crash. In support of their claim, they provided a news article dated November 2007, their Veteran's Affairs (VA) rating, and post-service medical records reflecting a diagnosis of post-traumatic stress disorder (PTSD), anxiety, and bi-polar disorder. A review of the Applicant's medical records revealed the Applicant was referred to mental health by the Sexual Assault Response Coordinator (SARC) in 2007 and had another appointment in 2011 for relational/marital problems in which they denied thoughts of self-harm or suicide attempts. The Applicant did not attempt to return for another appointment until January 2012 and was a no-show for six follow-up appointments.

**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 "sexual assault/harassment" on the application. The Applicant contended "my mental health has plagued and affected my life since 2006. While at a house party I was raped by a co-worker. I was advised to do "unreported" incident as we were set for deployment the following month (Jan 2007). Months after returning from deployment in November 2007 4 of my co-workers and captain of my flight were all killed in a black hawk helicopter crash while doing a reenlistment. I was set to be on that flight, however last minute had to give up my set due to weight requirement. I had to witness the carnage as well as clean up. I self-medicated because I didn't know how to deal with the unhealed trauma. After years of encouragement from friends and family I've sought help and since then have been diagnosed 100% PTSD by doctor and clinician specialist."*

2. Did that condition exist/experience occur during military service?  
*A review of the Applicant's in-service records revealed the Applicant attended one mental health session*

during their time in service reporting stress related to marital problems and pending divorce. There is no evidence the Applicant received the diagnosis of PTSD during their time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of PTSD during their time in service. The Applicant's records revealed the Applicant inquired with the mental health clinic about the need for an evaluation for a humanitarian reassignment after being referred from the Sexual Assault Response Coordinator noting a restricted report was filed and the Applicant was provided a statement by the mental health clinic for their request indicating that the Applicant had not received or requested any mental health services at that time.

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

A review of the Applicant's discharge revealed the Applicant was discharged with an Under Other Than Honorable character of service in lieu of trial by court martial with eight years, one month, nine days time in service. A review of the Applicant's discharge package revealed the Applicant requested and was granted a Chapter 4 discharge with an Under Other Than Honorable characterization of service because the Applicant wished to avoid the possibility of a federal conviction. A review of the Applicant's Chapter 4 request references filing a sexual harassment claim against their civilian boss. The Applicant stated "I went the informal route to let the current Commander handle it and asked to be removed from the section. I was moved to the [numbered] squadron. Things got a little better, until now [referencing investigation and charges]."

The Applicant's contentions, testimony, timeline and impact of events is divergent from a review of the Applicant's in-service records. The Applicant contended in their request for relief from the board that they used cocaine to self-medicate in response to a helicopter crash. Based on a review of the evidence submitted by the Applicant, the helicopter crash occurred in 2007, the Applicant's positive drug screen was in 2011, more than four years later. There is no evidence the Applicant identified, endorsed, or exhibited any mental health symptoms in that timespan nor attempted to seek any resources for support. There is no evidence the Applicant was unaware of the Air Force's zero tolerance policy for drug use. In the Applicant's legal review, JA stated "... [the Applicant] was shocked when their urine sample came back positive for cocaine." Based on a review of the Applicant's in-service records, if the Applicant was self-medicating with cocaine, it is unlikely the Applicant would be shocked that their urinalysis was positive for cocaine. The Applicant stated in their Chapter 4 request memorandum that their primary stressors were related to their relationship with husband, citing communication issues with him and wishing to leave the military to reside with him and be a stay-at-home mom. There is no evidence of a nexus between the Applicant's in service experience of sexual assault/harassment and the Applicant's choice to use cocaine.

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

The Applicant's records revealed the Applicant requested and was granted a Chapter 4 discharge. There is no evidence a mental health condition caused or substantially contributed to the misconduct that led to the Applicant's discharge. There is no evidence of a nexus between the Applicant's in service experience of sexual assault/harassment and the Applicant's choice to use cocaine, 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 Applicant did not provide any sufficient evidence to overcome the presumption of regularity and had the opportunity to seek professional help but choose to self-medicate. 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 separation code.

**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 Other Than Honorable Conditions (UOTHC)," 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 5 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://afrbaportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)