

SUMMARY: The Applicant was discharged on 17 July 2024 in accordance with Department of the Air Force Instruction 36-3211, *Military Separations*, with an Under Honorable Conditions – (General) discharge for Misconduct (Drug Abuse). The Applicant appealed for an upgrade of their discharge characterization and a change to the discharge narrative reason.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 21 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:

- Article 15 for wrongful use of marijuana.
- Letter of Reprimand for wrongful use of marijuana.

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 requested reconsideration of their discharge rating, citing severe mental health challenges during service, including anxiety, depression, and chronic fatigue, potentially linked to PTSD. They attributed these issues to harsh working conditions, inadequate support, and personal traumas, including their father's suicide and other family losses. Despite seeking help from leadership and mental health professionals, they claimed that ineffective support led to self-medication, resulting in their discharge. The Applicant asserted that this lapse, caused by untreated mental health struggles, should not overshadow seven years of honorable service. They sought a revised discharge rating to access the benefits needed to rebuild their lives and contribute positively to society.

The DRB determined that the Applicant's discharge for misconduct, stemming from multiple instances of marijuana use, was appropriate and in line with the Air Force's zero-tolerance policy. While the Applicant reported significant mental health challenges, including anxiety, depression, and chronic fatigue, they received comprehensive treatment during service and completed their care successfully. Although the Applicant attributed their drug use to mental health struggles and personal traumas, the board found no evidence linking these conditions to their decision to use marijuana. The Applicant's admission of prior marijuana uses before military service further weakened any claim of mitigation or justification. After waiving their right to a discharge board, the Applicant submitted written matters requesting an honorable characterization; however, the command determined that a General (Under Honorable Conditions) discharge was both fair and reflective of their service. The Board concluded that the Applicant's acknowledged mental health challenges did not excuse repeated violations of Air Force standards. Therefore, the applicant's discharge status rightly deserved.

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 respectfully request the board to reconsider my discharge rating in light of the profound mental and behavioral health conditions I endured during my military service. The challenges I faced were not merely incidental but a direct consequence of the harsh and inhumane working conditions, inadequate treatment option, and severe personal traumas experienced during my service. These issues have had a lasting impact on my mental well-being, effects of which persist to this day."

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

A review of the applicant's records revealed the applicant received mental health services during his time in service. The applicant's records revealed the applicant endorsed symptoms of anger, anxiety, and low mood regarding pre-service traumas and occupational stressors. The applicant's records revealed the applicant reported symptom improvement through talk therapy and medication management and requested to terminate mental health services approximately two months prior to the misconduct that led to his discharge due to symptom abatement and resolution. The applicant's records revealed the applicant received the diagnosis, in service, of unspecified depressive 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 a general character of service due to misconduct (drug abuse) with seven years, one month, twelve days' time in service. Based on a review of the applicant's discharge package, the misconducts that led to the applicant's discharge included wrongful use of marijuana on multiple occasions.

A review of the applicant's service entry records revealed the applicant endorsed marijuana use prior to

service. In a medical record submitted by the applicant, the provider stated and opined “pt [patient] was seen at MFLC [military family life counselor] and MHC [mental health clinic] at [named installation] prior to PCSing to [named installation]. Pt was seen for 17 sessions including intake. Treatment provided was MI [motivational interviewing], supported therapy, and CBT with focus on processing childhood trauma (pt was witness of domestic violence) father’s completed suicide, and work stress. Pt was referred to psychiatry with positive progress. Pt met all tx [treatment] goals with fair prognosis. Based upon review, neither MEB processing or administrative separation recommendation are warranted.”

Based on the available evidence, the applicant reported to his in-service mental health providers that his symptoms were controlled and had abated resulting in his termination of mental health services several months prior to the applicant receiving a DUI and positive urinalysis for marijuana. Further, a diagnosis of a mental health condition, in and of itself, at a point in time during the applicant’s time in service does not mitigate misconduct. There is evidence the applicant sought and received mental health treatment during his time in service to process pre-service traumas and for support increasing coping skills related to occupational stressors; however, there is no evidence of a mitigating nexus between the applicant’s in service mental health condition and his choice to use marijuana on multiple occasions.

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 his choice to use marijuana on multiple occasions during his time in service. Because the applicant’s discharge is not mitigated 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: The DRB voted unanimously to **deny** the Applicant’s request to upgrade their discharge characterization and to change the discharge narrative reason.

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://afrbportal.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 “2B.” The DRB results were approved by the Presiding Officer on 23 January 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)