

SUMMARY: The Applicant was discharged on, 23 March 2022, in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Under Other Than Honorable Conditions 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 record only review. The Board was conducted on 06 March 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 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 states, despite receiving an Under Other Than Honorable discharge, they maintained serving honorably, completing multiple deployments with few disciplinary issues. They attribute their difficulties to a decline in mental health, particularly PTSD, which was exacerbated by deployments. The Applicant went on to say, that while they sought help and received medication, their concerns were dismissed by their leadership, which led to a downward spiral. This, the Applicant claims, resulted in impulsive behavior and self-reported cocaine use, eventually prompting them to self-identify and seek further help. Post-service, the Applicant attests they manage multiple physical disabilities and mental health conditions, including PTSD, seizures, panic attacks, and depression. The Applicant requested a discharge upgrade to access disability benefits.

The DRB found that while the Applicant's service record is impressive, there were inconsistencies in their medical records regarding the distress caused by mental health symptoms. The discharge package detailed multiple misconduct incidents, including at least nine confirmed uses of cocaine or methamphetamines. Although the Applicant sought treatment for anxiety and sleep issues during service, the Board found these

concerns did not outweigh the pattern of misconduct. Additionally, the Board acknowledged that the Applicant's command considered their mental health before the discharge, and the Applicant waived their right to a court-martial. By doing so and accepting an Under Other Than Honorable discharge, the Applicant was aware of the potential loss of benefits.

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 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) 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 "TBI" on the application. The Applicant contended they experienced mental health symptoms and received mental health services many times during their time in service. The Applicant also contended "the system I was supposed to depend on failed me and didn't care, so I stopped caring as well."

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 during their time in-service including therapy and medication management intermittently with reported symptoms of anxiety, panic, crowd avoidance, irritability, difficulty sleeping. The Applicant's records revealed the Applicant consistently reported contradictory information to providers regarding the level of distress and impairment caused by their symptoms. The Applicant's records revealed the Applicant reported distress from their symptoms causing functional impairment in their personal life and relationships at times, but reported on all deployment and PCS waivers that their symptoms were well controlled and did not impact any aspects of functioning. After the Applicant tested positive for cocaine and methamphetamines multiple times, the Applicant's records revealed the Applicant initially agreed to attend a more intensive level of services with a partial hospitalization program (PHP) but then declined and stated they did not want more intensive services. A review of the Applicant's records revealed the Applicant later agreed to attend an inpatient dual diagnosis program and did not return to outpatient mental health services upon discharge during the completion of their military legal proceedings and discharge. The Applicant's records revealed the Applicant received the diagnoses, in service, of PTSD and anxiety, unspecified. There is no evidence the Applicant incurred or reported an experience of traumatic brain injury (TBI) during their time in service. There is no evidence the Applicant exhibited or endorsed any clinically significant indicators of TBI during their 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 an Under Other Than Honorable Character of service due to misconduct with fourteen years, ten months, twenty three days time in service. A review of the Applicant's discharge package revealed the Applicant requested, and was granted, an Under Other Than Honorable Characterization of service in lieu of court martial proceedings. A review of the Applicant's discharge proceedings revealed a lengthy memorandum submitted by the Applicant's Area Defense Counsel (ADC) revealed the Applicant made their in-service mental health conditions known to discharge authorities at the time of their discharge processing. The Applicant's discharge package revealed the misconducts that led to the Applicant's discharge included at least nine known incidences of using cocaine or methamphetamines. A review of the Applicant's in-service records revealed the Applicant sought and received mental health services including therapy and medication management intermittently during their time in-service for symptoms of anxiety, panic, crowd avoidance, irritability. It is unlikely that cocaine and amphetamines were used to self-medicate the Applicant's endorsed symptoms based on the known effects of both cocaine and amphetamines, to induce anxiety, paranoia, and irritability. There is evidence the Applicant was diagnosed with PTSD during his time in-service; however, there is no evidence of a nexus between the Applicant's in-service mental health conditions and the misconduct(s) for which they were discharged.

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

Based on a review of the available records and the totality of the Applicant's time-in-service, the Applicant's mental health conditions were known and fully considered by the Applicant's command during the discharge process. There is no evidence of a nexus between the Applicant's in-service mental health conditions and the misconduct(s) for which they were discharged, and there is no evidence the Applicant's in-service mental health conditions outweighed the severity of the misconduct that led to their discharge.

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.

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 Other Than Honorable Conditions," 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 28 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)

