

SUMMARY: The Applicant was discharged on June 4, 2019 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Under Honorable Conditions (General) Service Characterization for Misconduct – (Drug Abuse). The Applicant requested an upgrade of their Service Characterization.

The Applicant requested the Board be completed based on a Record Review. The Board was conducted on 30 May 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, 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 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 was discharged due to a positive test for marijuana; however, the Applicant contends their THC level detected was minimal and came from secondhand smoke exposure. There was no other evidence of direct usage. Since the discharge, the applicant has continuously maintained a Top Secret clearance with Sensitive Compartmented Information (SCI) access for work as a Department of Defense (DoD) contractor.

The records revealed that the Applicant was recommended for discharge due to drug abuse, with a recommended characterization of Under Honorable Conditions (General). The Applicant failed Standardized Field Sobriety Tests after being suspected of being under the influence of alcohol. A blood test revealed a THC level above the DoD cutoff. For this misconduct, the Applicant received a Letter of Reprimand (LOR). The Applicant consulted counsel and submitted statements for consideration. The leadership, however, determined it was best to continue the discharge process. The board considered all available records and the evidence provided by the Applicant and determined to deny the Applicant's request to upgrade their characterization.

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?

On the DD Form 293, Application for the Review of Discharge from the Armed Forces of the United States, the Applicant contended, "I was discharged due to Marijuana usage, but the amount of THC in my system was so miniscule that it was enough to get through secondhand smoke. There were no other proof of usage. Since the day of my discharge until today I continuously carried a Top Secret with SCI security clearance for my work as a DoD Contractor." The Applicant did not mark anything in Block 19 of the DD Form 293 as being an issue or condition (e.g., Mental Health, TBI, etc) as related to Applicant's request. However, the Applicant submitted a psychological consultation report that diagnosed Applicant with PTSD related to their military service. Based on this submission, Liberal Consideration has been applied.

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

A review of the available records revealed the Applicant was not diagnosed with a mental health condition during military service. The Applicant was referred to the ADAPT program following an alcohol-related incident of Driving Under the Influence (DUI). The Applicant deferred their ADAPT evaluation while under investigation, and once they completed the ADAPT evaluation, they were deemed to not have a substance use problem and received No Diagnosis. Additionally, for each of the PHAs the Applicant had in the two years prior to the DUI, the Applicant indicated they had no mental health issues or concerns. The Applicant obtained, "an independent psychological consultation for the purpose of assisting in the determination of eligibility for Veterans Benefits" on 26 November 2024, a little more than five years after discharge. This consultation opined that the Applicant's diagnosis was PTSD and Applicant's PTSD was related to their military service.

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 characterization of Under Honorable Conditions (General) due to Misconduct (Drug Abuse) with 2 years, 3 months, 14 days of service. The Applicant's discharge package was not available for review. The Applicant contended they were discharged for marijuana use, but 'the amount of THC in my system was so miniscule' that it could have been the result of secondhand smoke. A review of available records revealed no evidence to support this contention. The Board is not an investigative body, and the burden of proof is upon the Applicant to provide evidence in support of their request for relief. In the absence of any evidence, the Board presumes regularity in the conduct of Air Force affairs. This means that, absent evidence to the contrary, the Board presumes that military and civilian personnel involved in a member's discharge carried out their duties correctly, lawfully, and in good faith. Regarding the psychological consultation that the Applicant had a PTSD diagnosis that was related to their military service, a review of all available records revealed no evidence that the Applicant sought mental health treatment during their time in service. The Applicant was command-referred to the ADAPT program following their alcohol-related incident. But a review of available records revealed that medical providers never diagnosed the Applicant with PTSD, and a PTSD or related diagnosis was never considered for the Applicant. Although the Applicant has a service-connected disability rating for PTSD from the VA, the VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental

health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release from service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the 'snapshot in time' of the applicant's service, there is no evidence the applicant had a mental health condition that caused or mitigated the misconduct that led to the Applicant's discharge.

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

There was no evidence a mental health condition mitigated or substantially contributed to the Applicant's discharge. Therefore, a mental health condition did not outweigh the 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 AND 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. The DRB voted unanimously to *deny* the Applicant's request. Therefore, the awarded Service Characterization 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 July 11, 2025.

Should the Applicant wish to appeal this decision, they 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://afrbaportal.azurewebsites.us>

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)